FEDERAL REGISTER

VOLUME 20 NUMBER 223

Washington, Wednesday, November 16, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to § 6.308 (j) as set out below.

§ 6.308 *Department of Justice.* * * *

(j) *Immigration and Naturalization Service.* * * *

(7) Assistant Commissioner, Field Inspection and Security Division.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9197; Filed, Nov. 15, 1955; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 402.1]

PART 303—SUPERVISED BANK ACCOUNTS

MISCELLANEOUS AMENDMENTS

1. Section 303.2 (b) (1) Title 6, Code of Federal Regulations (20 F. R. 821) is revised to require the signatures of the husband and wife on the deposit agreement when a joint survivorship bank account is established and to read as follows:

§ 303.2 *Use of supervised bank accounts.* * * *

(b) *Farm Ownership borrowers.* (1) All insured and direct loan funds will be deposited in the supervised bank account on the date of loan closing except when all of the proceeds of the check are distributed at the time of loan closing for the purchase price and service fees. Funds representing down payments or cash contributions made by Farm Ownership borrowers to accomplish planned development or improvement work also will be deposited in supervised bank accounts prior to or at the time of loan closing in accordance with the provisions set forth in the basic regulations of the Farm Ownership program. When the title is held jointly with the right of survivorship, a joint survivorship supervised bank account should be established from which either the husband or wife could withdraw funds; in such case, both the husband and the wife will sign Form FHA-192.

2. Section 303.3, Title 6, Code of Federal Regulations (20 F. R. 5227) is revised to prescribe the conditions under which a borrower may establish two supervised bank accounts and to read as follows:

§ 303.3 *Establishing accounts.* While each borrower will be given an opportunity to choose the bank in which his supervised bank account will be established; unless otherwise authorized in writing by the Administrator, supervised bank accounts will be established only in banks in which deposits are insured by the Federal Deposit Insurance Corporation. Ordinarily, a borrower who obtains an insured loan will be expected to establish such account with the lender who furnished the loan funds, if the lender is a local banking institution. In making arrangements with banks, ordinarily only one supervised bank account will be maintained for any one borrower regardless of the amount or source of funds. However, in those instances in which a borrower with a supervised bank account receives an insured loan from another bank and the bank furnishing the funds requests the borrower to deposit the loan funds in that bank, the borrower may maintain two accounts provided only one supervised account will be maintained after the insured loan funds are expended. For each account, an original and two copies of Form FHA-192 will be executed by the borrower, the bank, and the County Supervisor. Authority to execute Form FHA-192 on behalf of the Government may be redelegated by County Supervisors to per-

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

sons under their supervision. If an agreement is already in existence and additional funds are to be deposited, a new agreement on Form FHA–192 is not required unless requested by the bank.

(R. S. 161, sec. 6 (3), 50 Stat 870, sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1), 5 U. S. C. 22, 16 U. S. C. 590W (3))

Dated: November 9, 1955.

[SEAL] R. B. McLEAISH,
Administrator
Farmers Home Administration.

[F. R. Doc. 55–9195; Filed, Nov. 15, 1955; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; OREGON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identifies below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

OREGON

County:	Average value
Baker	$35,000
Benton	35,000
Clackamas	35,000
Clatsop	35,000
Columbia	35,000
Coos	35,000
Crook	35,000
Curry	35,000
Deschutes	35,000
Douglas	35,000
Gilliam	35,000
Grant	35,000
Harney	35,000
Hood River	35,000
Jackson	35,000
Jefferson	35,000
Josephine	35,000
Klamath	35,000
Lake	35,000
Lane	35,000
Lincoln	35,000
Linn	35,000

OREGON—Continued

County:	Average value
Malheur	$35,000
Marion	35,000
Morrow	35,000
Multnomah	35,000
Polk	35,000
Sherman	35,000
Tillamook	35,000
Umatilla	35,000
Union	35,000
Wallowa	35,000
Wasco	35,000
Washington	35,000
Wheeler	35,000
Yamhill	35,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: November 9, 1955.

[SEAL] R. B. McLEAISH,
Administrator
Farmers Home Administration.

[F. R. Doc. 55–9196; Filed, Nov. 15, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1955, Supp. 12]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

PRIOR REQUEST FOR COST-SHARING; ESTABLISHMENT OF ADDITIONAL ACREAGES OF VEGETATIVE COVER FOR WINTER PROTECTION FROM EROSION; ESTABLISHMENT OF VEGETATIVE COVER IN THE FALL OF 1955 FOR WINTER PROTECTION FROM EROSION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138) as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910) March 1, 1955 (20 F R. 1336) April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881), May 16, 1955 (20 F. R. 3494) June 10, 1955 (20 F. R. 4209) June 14, 1955 (20 F. R. 4281), July 22, 1955 (20 F. R. 5340), and August 30, 1955 (20 F. R. 6511), is further amended as follows:

1. Section 1101.615 is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that for the practice contained in § 1101.696, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording."

2. Section 1101.685 is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

3. Section 1101.689 is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 311; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of November 1955.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–9217; Filed, Nov. 15, 1955; 8:51 a. m.]

[ACP–1956, Supp. 3]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

PRIOR REQUEST FOR COST-SHARING; PRACTICES CARRIED OUT WITH STATE OR FEDERAL AID; ESTABLISHMENT OF VEGETATIVE COVER FOR WINTER PROTECTION FROM EROSION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281) as amended July 22, 1955 (20 F. R. 5341) and August 30, 1955 (20 F. R. 6511) is further amended as follows:

1. Section 1101.715 is amended by revising the first sentence to read as follows: "Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started, except that for the practices contained in §§ 1101.792 and 1101.796, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording."

2. Section 1101.728 is amended to read as follows:

§ 1101.728 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of

the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

3. Section 1101.785 is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of November 1955.

E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9218; Filed, Nov. 15, 1955; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

DETERMINATION OF EXISTENCE OF DISEASE; AGREEMENTS WITH STATES

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (23 Stat. 32, 58 Stat. 734) and section 2 of the Act of February 2, 1903 (32 Stat. 792; 21 U. S. C. 114, 111, 114a), paragraph (b) of § 53.2 of the regulations pertaining to payment of indemnities for animals destroyed because of foot-and-mouth disease, pleuropneumonia, rinderpest, and other contagious and infectious animal diseases (9 CFR, 1954 Supp., Part 53), is hereby amended to read as follows:

§ 53.2 *Determination of existence of disease; agreements with States.* * * *

(b) Upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, the Chief of Branch is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease, and to pay not more than 50 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease: *Provided,* That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of the revisions contained in this amendment are to provide for the more rapid removal of diseased animals in those instances where State indemnity funds have not been made available.

The amendment relieves the presently imposed limitation on the payment of Federal indemnity and must be made effective immediately to be of maximum benefit to persons subject to this limitation. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 11, 58 Stat. 734, as amended, 67 Stat. 493; 21 U. S. C. 114, 111, 114a)

Done at Washington, D. C., this 10th day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 55-9220; Filed, Nov. 15, 1955; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 609—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED, RESPONSIBILITIES OF FEDERAL AGENCIES

INFORMATION TO FEDERAL EMPLOYEES

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.) the following regulation contained in this part is amended. This amendment is designed to conform the regulation to the revised designation and use of U. S. Government Standard Form 8.

Paragraph (b) of § 609.2 is amended to read as follows:

(b) Complete Standard Form 8, "Notice to Federal Employee About Unemployment Compensation" in accordance with instructions thereon, and furnish a completed copy of such form to each of its employees at the time of separation from Federal service, when transferred from one payroll office to another or when the office responsible for distribution of the form is advised that the individual is on leave without pay for seven consecutive days or more.

(Sec. 1509, 68 Stat. 1135)

Effective date. This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor

[F R. Doc. 55-9189; Filed, Nov. 15, 1955; 8:45 a. m.]

PART 610—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED, RESPONSIBILITIES OF STATE EMPLOYMENT SECURITY AGENCIES

DETERMINATION OF ENTITLEMENT

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.), the following regulation contained in this part is amended. The amendment is designed to clarify the fact that Title XV compensation shall not be paid for periods to which a payment for terminal annual leave is allocated without regard to whether an individual is considered unemployed during such periods.

Paragraph (a) of § 610.5 is amended to read as follows:

§ 610.5 *Determination of entitlement*—(a) *Entitlement.* The agency of the State to which a Federal employee's Federal service and Federal wages have been assigned (or of the State to which they have been transferred in accordance with the Interstate Wage Combining Plan) shall determine the claimant's entitlement to compensation and shall pay such compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the unemployment compensation law of the State if the Federal service and Federal wages of such claimant had been included as employment and wages under such law, except that, no payment of compensation shall be made for periods to which a payment for terminal annual leave is allocated. The notice of determination given to the claimant pursuant to the unemployment compensation law of the State shall include the findings made by the Federal agency and shall inform the claimant of his right to additional information or reconsideration and correction of such findings. The State agency shall set forth the findings of the Federal agency in sufficient detail to enable the claimant to determine whether he wishes to request reconsideration or correction of any such findings, to the extent that such information has been furnished by the Federal agency.

* * * * *

(Sec. 1509, 68 Stat. 1135)

Effective date. This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor

[F. R. Doc. 55-9190; Filed, Nov. 15, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 135—COLOR CERTIFICATION

MISCELLANEOUS AMENDMENTS

In the matter of amending §§ 135.3, 135.5, and 135.11 of the color certification regulations:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 406 (b), 504, 604, 701, 52 Stat. 1049, 1052, 1055; 21 U. S. C. 346 (b) 354, 364, 371, 67 Stat. 18) upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on December 19, 1953 (18 F R. 8600) and upon consideration of the exceptions filed to the proposed order published in the FEDERAL REGISTER on December 30, 1954 (19 F. R. 9352) which exceptions were allowed or not allowed as appears from notations on the exceptions on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., the following order is hereby promulgated.

Findings of fact.[1] 1. After a hearing in 1939 concerning regulations for the certification of coal-tar colors, the coal-tar color now listed as FD&C Orange No. 1 (monosodium salt of 4-*p*-sulfophenylazo-1-naphthol) and the coal-tar color now listed as FD&C Orange No. 2 (1-*o*-tolylazo-2-naphthol) were found to be harmless and suitable for use in food, drugs, and cosmetics. After another hearing in 1939, concerning amendment of the coal-tar color regulations, the coal-tar color now listed as FD&C Red No. 32 (1-xylylazo-2-naphthol) was found to be harmless and suitable for use in food, drugs, and cosmetics. Accordingly, these three colors, among others, were listed with appropriate specifications of identity and quality in the coal-tar color regulations (21 CFR 135.3) as certifiable for unrestricted use in foods, drugs, and cosmetics. (4 F R. 1922, 1926, 1937, 3931, 3936, 3937; R. 46.)

2. Since that time the Food and Drug Administration has completed additional tests to explore more fully the toxicity of the certifiable coal-tar colors. A number of additional tests have been conducted by the Division of Pharmacology of the Food and Drug Administration, using FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32.

Tests that have been terminated are:

a. FD&C Orange No. 1.

i. Chronic feeding tests with rats on diets containing 0.1, 0.5, 1, and 2 percent.

ii. Chronic oral administration to dogs at doses of 5 milligrams per kilogram of body weight and 100 milligrams per kilogram of body weight.

iii. Cathartic tests in dogs, using single oral dose.

b. FD&C Orange No. 2:

i. Chronic or subacute feeding tests with rats on diets containing 0.01, 0.05, 0.1, 0.2, and 0.25 percent.

ii. Tests designed to determine carcinogenicity in rats, using weekly subcutaneous injections of approximately 5 milligrams. The test was inconclusive as to carcinogenicity and was discontinued after 8 injections. Three of the 18 test rats died on the dosage administered as compared to no deaths among the control rats.

iii. Carcinogenicity tests in mice, using subcutaneous implantation of 12.1 milligrams at intervals for 30 to 55 weeks. These tests produced no positive results.

iv. Chronic oral administration to 2 dogs at doses beginning at 100 milligrams per kilogram of body weight per day. The dosage was reduced successively to 20 milligrams and 5 milligrams in 1 dog, and to 20 milligrams in the other dog.

v. Chronic feeding tests in dogs at dietary levels of 0.2 percent and 0.04 percent.

vi. Cathartic tests in dogs, using single oral dose.

c. FD&C Red No. 32:

i. Chronic feeding tests with rats, on diets containing 0.1 percent.

ii. Subacute feeding tests with rats, on diets containing 0.25, 0.5, 1, and 2 percent.

iii. Chronic feeding tests with rats, on diets containing 0.1 percent and 0.25 percent.

iv. Carcinogenicity tests in rats, using weekly subcutaneous injections of approximately 5 milligrams to 10 milligrams. These tests were inconclusive as to carcinogenicity and were discontinued after 8 injections because 7 of the 18 test rats died or were sacrificed in extremis prior to the ninth injection. Similar toxic reactions were not encountered in the control rats. A second experiment, using weekly subcutaneous injections of approximately 1 milligram was also discontinued after 8 injections, because of deaths among the 18 test rats receiving FD&C Orange No. 2 in another part of this experiment.

v. Carcinogenicity tests in mice, using subcutaneous implantation of 10.8 milligrams at intervals for 35 weeks to 47 weeks showed no evidence of tumors.

vi. Chronic oral administration to dogs at doses of 5, 20, and 100 milligrams per kilogram of body weight per day.

vii. Chronic feeding tests in dogs at dietary levels of 0.04 percent and 0.2 percent.

viii. Cathartic tests in dogs, using single oral dose.

Tests of the three colors by external application to determine whether they are toxic when applied externally were being set up at the time of the hearing. (R. 8–78; Ex. 2, 3, 4.)

3. The tests with FD&C Orange No. 1 show that when taken internally at various levels of administration this color causes definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

This color caused the premature death of all rats on diets containing 2.0 percent of the test substance. Rats on a diet containing 1.0 percent of this substance showed marked retardation of growth, increased mortality, and chronic congestion and enlargement of the spleen. These same manifestations, to a lesser extent, were encountered in rats consuming a diet containing 0.5 percent of FD&C Orange No. 1. Dogs consuming 100 milligrams per kilogram of body weight per day of FD&C Orange No. 1 died in 26 months and 33 months. They had occasional diarrhea while alive and manifested terminal weight loss. Autopsy revealed congestion and atrophy of the liver attributable to the color. On a diet containing 1.0 percent of FD&C Orange No. 1, dogs exhibited chronic diarrhea. Rapid deterioration, and weight loss also occurred in 2 dogs. Autopsy revealed muscular dystrophic changes and testicular, prostatic, and uterine atrophy. These same manifestations occurred to a lesser extent in dogs on a diet containing 0.2 percent of FD&C Orange No. 1. A single dose of 100 milligrams to 200 milligrams of FD&C Orange No. 1 produced diarrhea in most dogs. Human volunteers who ate candy containing 0.07 percent of FD&C Orange No. 1 exhibited diarrhea upon the ingestion of from one to eight pieces of the candy. Human volunteers taking 80 milligrams to 100 milligrams of the color in a single dose also experienced marked griping and diarrhea. (R. 14–22, 43–44, Ex. 2.)

4. Tests on rats at a level of 0.1 percent of the diet and on dogs at doses of 5 milligrams per kilogram of body weight per day did not produce any toxic effects attributable to FD&C Orange No. 1. However, these results must be contrasted with the diarrhea that resulted when human volunteers ate from one to eight pieces of candy containing 0.07 percent of FD&C Orange No. 1. This is particularly significant because man is shown to be more susceptible to the toxic effects of the color than are the test animals, and because the dogs having diarrhea (the symptom observed also in man) showed damage to various vital organs after the chronic feeding tests. (R. 14, 16–18, 20–21, 43–44; Ex. 2.)

5. The tests with FD&C Orange No. 2 show that when taken internally at various levels of administration this color causes definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

FD&C Orange No. 2 caused severe growth retardation and increased mortality to rats on a diet containing 0.25 percent of the test substance. At 0.2 percent of the rats' diet, increased mortality and degeneration of the liver occurred. At a level of 0.1 percent of this substance in the diet, the rats exhibited marked growth retardation. At a level of 0.05 percent, autopsy revealed enlargement of the right side of the heart and, on microscopic examination, slight hypertrophy or hyperplasia of the cells in the liver. Approximately 5 milligrams per week given to rats by subcutaneous injection caused increased mortality and moderate growth retardation. Dogs consuming 100 milligrams per kilogram of body weight per day of FD&C Orange No. 2 lost weight or gained poorly. Twenty milligrams per kilogram of body weight per day caused one dog in the experiment to gain weight poorly. Five milligrams per kilogram of body weight per day apparently was tolerated by one dog without resultant injury. Dogs on a diet containing 0.2 percent of the test substance had diarrhea at the beginning of the experiment and exhibited rapid deterioration and weight

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing, except for citations to the FEDERAL REGISTER, where applicable.

loss. Autopsy revealed atrophy of various vital organs caused by the color. At 0.04 percent of the diet, dogs gradually deteriorated and lost weight, and autopsy revealed atrophy of various vital organs. A single dose of 200 milligrams produced diarrhea in dogs. (R. 22–30; Ex. 3.)

6. FD&C Orange No. 2 caused damage to test animals at levels even lower than those at which damage was observed from FD&C Orange No. 1. The lowest level at which demonstrable harm to test animals was observed from FD&C Orange No. 2 was 0.04 percent of the diet of dogs. The lowest level at which FD&C Orange No. 1 caused demonstrable damage was 0.2 percent in the diet of dogs and 0.07 percent when ingested by man in a single dose. (R. 18–19, 20–21, 28, 43–44, 67–68; Ex. 2, 3.)

7. The tests with FD&C Red No. 32 show that when taken internally at various levels of administration this color caused definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

When this color was fed to rats at a level of 2.0 percent of the diet, all the rats died within a week. At a 1.0 percent level, death occurred within 12 days. At 0.5 percent most of the rats died within 26 days. At 0.25 percent approximately half of the rats died within 3 months. All of the rats at this level showed marked growth retardation and anemia. Autopsy revealed moderate to marked liver damage. Similar but less severe results were obtained with rats on a diet containing 0.1 percent of FD&C Red No. 32. In addition to liver damage, however, autopsy also revealed enlargement of the right side of the heart in this latter group. Subcutaneous injection of approximately 10 milligrams per week caused death within 8 weeks to nearly half of the rats on the experiment. These rats exhibited anemia, hemorrhage, and reduction in the size of the liver. Dogs taking 100 milligrams per kilogram of body weight per day showed moderate weight loss. A level of 0.2 percent of FD&C Red No. 32 in the diet of dogs caused rapid deterioration and weight loss and sporadic diarrhea, 0.04 percent caused gradual deterioration and weight loss, sporadic diarrhea, moderate atrophy of vital organs, and muscular dystrophic changes; 0.01 percent in the diet caused weight loss and the death of one out of 4 dogs. A single oral dose of 100 milligrams or 200 milligrams caused diarrhea in the majority of the dogs tested. (R. 30–38; Ex. 4.)

8. The lowest level at which FD&C Red No. 32 showed damage to test animals was at 0.01 percent of the diet of dogs. This was the lowest level at which the color was administered in the diet and, based upon the conversion figures appearing in the record, it is a lower dosage than the level of 5 milligrams per kilogram which produced no apparent effect on other dogs. Thus, no safe level of administration to dogs was definitely established. (R. 35–37, 40–42; Ex. 4.)

9. The only known episode of illness in man was caused by FD&C Orange No. 1. It is the least toxic of the three colors. The fact that no human ailment has been attributed to the other colors means little, because few people know what colors they are eating and the delayed toxic effects of the colors, as evidenced by the test animals, involve damage to vital organs and processes that would not have been attributed to the colors even if caused by them.

10. There was no evidence on which findings could be made concerning how much of the three colors is likely to be ingested by man from his food, drugs, and cosmetics. Some interested persons, taking their own products, attempted to show that the amounts ingested would be small to the point of insignificance. But those contentions leave aside the occurrence of the colors in the products of others, as well as the fact that upon certification of a color the Department has no means of controlling the amounts of colors used in a variety of food, drugs, and cosmetics. Nor is there authority to limit a color, once certified, to a single food—for example, FD&C Red No. 32 for use in color-added oranges. (R. 20–21, 67–68, 98–108; Ex. 8.)

11. The coal-tar colors listed in the regulations as FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 may be used at present in externally applied drugs and cosmetics as well as in products for internal consumption. Tests designed to examine the toxicity of these colors, when used externally are not complete. (R. 46–48, 63–65.)

12. Modification of the coal-tar color certification regulations (21 CFR 135.11 (d) (2)) to eliminate the requirement for 3 months' written notice of change in composition of a coal-tar color mixture will facilitate the marketing of substitute mixtures and reduce confusion that may result from the deletion of a straight color from the listings at 21 CFR 135.3, 135.4, and 135.5. (R. 88, 89.)

Conclusions. 1. Based upon the above findings, the coal-tar colors FD&C Orange No. 1 (monosodium salt of 4-*p*-sulfophenylazo - 1 - naphthol) FD&C Orange No. 2 (1-o-tolylazo-2-naphthol) and FD&C Red No. 32 (1-xylylazo-2-naphthol) described in the coal-tar regulations (21 CFR 135.3) are not harmless and suitable for use in coloring food or for use in coloring drugs or cosmetics intended for other than external application.

2. Sections 406 (b) 504, and 604 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 346 (b) 354, and 364) provide for the listing of coal-tar colors that are harmless and suitable for use in food, drugs, and cosmetics. The act does not provide any method for listing toxic colors for specific food, drug, or cosmetic uses so as to limit their total use to small enough amounts that the toxicity might be disregarded. Under the statute a toxic color cannot be classified as a harmless color.

3. While a safe level of administration to test animals is disclosed by the record in the case of FD&C Orange No. 1, the record also discloses that that color has adverse effects upon man at a level well below the safe level of administration to test animals. The safe level of administration of FD&C Orange No. 2 to test animals is well below the level at which FD&C Orange No. 1 was found safe to test animals. It is, therefore, even more toxic than FD&C Orange No. 1. No safe level of administration was found even in test animals for FD&C Red No. 32.

4. The coal-tar colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 are not harmless and suitable for use within the meaning of sections 406 (b) 504, and 604 of the Federal Food, Drug, and Cosmetic Act in coloring food or in coloring drugs or cosmetics intended for other than external application.

5. The coal-tar colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 should be deleted from the listing at 21 CFR 135.3, since the Secretary cannot continue to list these colors as colors that the Food and Drug Administration will certify as harmless and suitable for unrestricted use in coloring food or in coloring drugs and cosmetics intended for other than external application.

6. Colors conforming to the present regulations and specifications for FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 should be added to the listing at 21 CFR 135.5, for use in coloring externally applied drugs and cosmetics only.

7. The provisions of 21 CFR 135.11 (d) (2) requiring 3 months' written notice of a change in the composition of a coal-tar color mixture should be waived when such change is made necessary by deletion of one or more straight colors from the listings at 21 CFR 135.3, 135.4, or 135.5.

Therefore, it is ordered, That Part 135—Color Certification, be amended in the following respects:

1. In § 135.3 (a) delete the colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32.

2. Add the following to § 135.5 (a)

EXT D&C ORANGE NO. 3

SPECIFICATIONS

Monosodium salt of 4-*p*-sulfophenylazo-1-naphthol.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 0.3 percent.

Ether extracts, not more than 0.2 percent.

α-Naphthol, not more than 0.1 percent.

Chlorides and sulfates of sodium, not more than 4.0 percent.

Mixed oxides, not more than 1.0 percent.

Orange II, not more than 5.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT D&C ORANGE NO. 4

SPECIFICATIONS

1-o-Tolylazo-2-naphthol.

Volatile matter (at 100° C.), not more than 0.5 percent.

Sulfated ash, not more than 0.3 percent.

Water-soluble matter, not more than 0.3 percent.

Matter insoluble in carbon tetrachloride, not more than 0.5 percent.

o-Toluidine, not more than 0.05 percent.

β-Naphthol, not more than 0.05 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 98.0 percent.

Melting point, not less than 128.0° C.

EXT D&C RED No. 14

SPECIFICATIONS

1-Xylylazo-2-naphthol.

Volatile matter (at 100° C.), not more than 0.5 percent.

Sulfated ash, not more than 0.3 percent.

Water-soluble matter, not more than 0.3 percent.

Matter insoluble in carbon tetrachloride, not more than 0.5 percent.

Xylidene, not more than 0.1 percent.

β-Naphthol, not more than 0.05 percent.

m-Xylidine in xylidine obtained by reduction of the dye, not more than 30.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 97.0 percent.

Boiling range of xylidine, obtained by reduction of the dye, 95 percent between 212°–232° C.

3. Amend § 135.11 (d) (2) so that, as amended, it will read as follows:

§ 135.11 *Labeling.* * * *

(d) * * *

(2) The name of such mixture is the same as or simulates the name of a previously certified batch of a mixture containing a different substance, or a different percentage of a pure dye; but this provision shall not apply if:

(i) The person who requests certification of such batch is the owner of such name and has given 3 months' written notice to the Food and Drug Administration specifying the change to be made in the composition of such mixture; or

(ii) Such change results from removal of a color from the listings in §§ 135.3, 135.4, and 135.5.

Effective date. This order shall be effective 90 days after publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: November 10, 1955.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 55-9209; Filed, Nov. 15, 1955; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 11238, etc., FCC 55-1125]

[Rules Amdt. 3-61]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations.

1. The Commission has before it for consideration five proceedings concerning requests for the deintermixture of VHF and UHF television channel assignments in specific communities and a request for the addition of a VHF channel assignment in one community. The Commission issued a notice of proposed rule making concerning the proposal to assign Channel 10 to Vail Mills, New York, on December 17, 1954. On March 31, 1955, the Commission issued notices of proposed rule making in the Peoria, Evansville, Madison and Hartford deintermixture proceedings. On April 21, 1955, the Commission issued a notice of further rule making in the Vail Mills case to consider the deintermixture proposal for the Albany-Schenectady-Troy area. Oral argument in the five cases was heard before the Commission on June 27 and 28, 1955. Following is a brief summary of the proposals:

(a) *Peoria, Illinois (Docket No. 11333)* This proceeding involves the joint request of two UHF broadcasters in Peoria, Illinois-West Central Broadcasting Company (WEEK-TV) and Hilltop Broadcasting Company (WTVH)—for deintermixture of commercial VHF and UHF assignments in the Peoria area by reserving VHF Channel 8 in Peoria for noncommercial educational use in place of UHF Channel 37; or, in the alternative, by deleting Channel 8 from Peoria, substituting UHF Channels 31, 78, or 82 therefor, and shifting Channel 8 to some other community. Plains Television Corporation (WICS), Springfield, Illinois, requests that Channel 8 in Peoria be shifted to Illipolis, Illinois, to provide additional VHF service to the Springfield area in the event Springfield is not also deintermixed by the removal of Channel 2. Other parties participating in the proceeding include WIRL Television Company and WMBD, Inc., applicants for Channel 8 in Peoria; Bradley University, and the American Farm Bureau Federation. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings: "Petition to Adopt Policy of Deintermixture or for Alternative Relief" filed by Plains Television Corporation on October 18, 1955; "Opposition to and Motion to Dismiss" the foregoing petition, filed by WMBD, Inc., on October 21, 1955, an Opposition to the foregoing petition filed by WIRL Television Company on October 25, 1955; and petitions for further oral argument filed on November 4, 1955, by West Central Broadcasting Company, Hilltop Broadcasting Company, and Plains Television Corp.

(b) *Evansville-Hatfield, Indiana (Docket No. 11334)* This proceeding involves the request of two UHF broadcasters in the Evansville area—Premier Television, Inc. (WFIE) Evansville, and Ohio Valley Television Company (WEHT) Henderson, Kentucky—for deintermixture of the commercial VHF and UHF assignments in the Evansville-Hatfield area by deleting Channel 9 from Hatfield and by either reserving Channel 7 in Evansville for education or deleting it. Petitioners suggest that Channel 56 can be added to Evansville and Channel 78 to Hatfield. If Channel 7 in Evansville is deleted rather than reserved, Channel 39 is suggested as an educational frequency. Mid-America Broadcasting Corporation (WKLO-TV) Louisville, Kentucky, requests that the Evansville-Hatfield area be deintermixed by reassigning Channels 7 and 9 to Louisville, Kentucky. To accomplish these channel shifts, Mid-America requests that the rules be amended to permit television stations to operate at reduced separations with directional antennas. Other parties participating in the proceeding include Evansville Television, Inc., Consolidated Television & Radio Broadcasters, Inc., and On The Air, Inc., applicants for Channel 7 in Evansville; Owensboro Publishing Company and Owensboro On The Air, Inc., applicants for Channel 9 in Hatfield; Congressman Winfield K. Denton (8th District of Indiana) the Evansville Chamber of Commerce and Evansville College. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it two petitions filed on October 17, 1955, by Mid-America Broadcasting Corporation and by Premier Television, Inc., and Ohio Valley Television Co. jointly, requesting "Time to File Additional Comments" Opposition to the petition of Mid-America Broadcasting Corporation, filed by Evansville Television, Inc., on October 7, 1955, an Opposition to both petitions filed by Owensboro On The Air, Inc. on October 27, 1955, and by On The Air, Inc., on October 28, 1955, and an Opposition to the joint petition of Premier Television, Inc. and Ohio Valley Television Co., filed by Evansville Television, Inc., on October 28, 1955. Also, on November 7, 1955, Mid-America Broadcasting Corp., Premier Television, Inc. and Ohio Valley Television Co., filed Supplements to their October 17 Petitions, making further requests discussed in Paragraph 11, below.

(c) *Madison, Wisconsin, and Rockford, Illinois (Docket No. 11335).* This proceeding involves the requests of two UHF broadcasters in Madison—Monona Broadcasting Company (WKOW-TV) and Bartell Television Corporation (WMTV)—for deintermixture of commercial VHF and UHF assignments in the Madison area by shifting the educational reservation in Madison from Channel 21 to Channel 3. Another UHF broadcaster in Rockford—Winnebago Television Corporation (WTVO) requests that commercial deintermixture be achieved in Madison by deleting Channel 3 from Madison, substituting Channel 39 therefor, and by assigning Channel 3 to Orangeville, Illinois, so as to make Madison an all-UHF city and Rockford an all-VHF area. Alternatively, Winnebago Television suggests that Rockford be made an all-UHF area by deleting Channel 13 from Rockford, substituting Channel 51 therefor, and assigning Channel 13 to Aurora or Elgin, Illinois. Other parties participating in the proceeding include Radio Wisconsin, Inc., and Badger Television Company, Inc., applicants for Channel 3, Madison; the State Radio Council of The State of Wisconsin (WHA-TV), Madison, and the Greater Rockford Television, Inc. (WREX-TV) In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings:

"Petition for Taking of Official Notice or for Limited Reopening of Record" filed on August 29, 1955, by Monona Broadcasting Company, and Bartell Television Corporation; a Response to the aforementioned petition filed on September 7, 1955, by Radio Wisconsin, Incorporated; "Petition to Adopt Policy of

Deintermixture or for Alternative Relief" filed on October 18, 1955, by Winnebago Television Corporation, a Motion to Strike the Winnebago petition filed by Radio Wisconsin, Incorporated, on October 27, 1955, and Petitions for Further Oral Argument filed on November 4, 1955, by Monona Broadcasting Company, Bartell Television Corp., and Winnebago Television Corp.

(d) *Hartford, Connecticut (Docket No. 11336)* This proceeding involves the joint request of four UHF broadcasters in the Connecticut River Valley—General Times Television Corporation (WGTH–TV) Hartford, New Britain Broadcasting Co. (WKNB–TV) New Britain; Hampden-Hampshire Corporation (WHYN), Springfield and Springfield Television Broadcasting Corp., Springfield (WWLP)—for deintermixture of commercial VHF and UHF channels in Hartford by shifting the educational reservation in Hartford from UHF Channel 24 to VHF Channel 3. Three other UHF broadcasters request that Channel 3 be deleted from Hartford and assigned elsewhere. Channel 16 of Rhode Island (WNET) in Providence, Rhode Island, requests that Channel 3 in Hartford be assigned to Westerly, Rhode Island; Eastern Connecticut Broadcasting Company (WICH, AM), Norwich, Connecticut; requests that Channel 3 in Hartford be assigned to Norwich, and Thames Broadcasting Corp. (WNLC–TV), New London, Connecticut, requests that Channel 3 in Hartford be shifted to New London. Other parties participating in the proceeding include Hartford Telecasting Company, Inc., and Travelers Broadcasting Service Corporation, applicants for Channel 3 in Hartford; Western Massachusetts Educational Television Council, Springfield; the Connecticut Radio Foundation (WEDH) Hartford, and the WGBH Educational Foundation (WGBH–TV) Boston, Massachusetts. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings: "Petition for Leave to File Additional Comments" and "Additional Comments" filed on October 17, 1955, by General Times Television Corporation, New Britain Broadcasting Company, Hampden-Hampshire Corporation and Springfield Television Broadcasting Corporation; a "Petition to Adopt Policy of Deintermixture or for Alternative Relief" filed on October 18, 1955, by the same four parties; "Opposition to Petition for Leave to File Additional Comments" filed on October 20, 1955, by Travelers Broadcasting Service Corporation, "Statement with Respect to Matters Not of Record" filed on October 28, 1955, by the same four parties; and Petitions for Further Oral Argument filed on November 4, 1955, by General Times Television Corp., New Britain Broadcasting Co., Hampden-Hampshire Corp., Springfield Television Broadcasting Corp., and Channel 16 of Rhode Island, Inc., and by Eastern Connecticut Broadcasting Company on November 9, 1955.

(e) *Albany-Schenectady-Troy, New York (Docket No. 11238)* This proceeding involves the request of Hudson Valley Broadcasting Company, Inc. (WROW–TV), Albany, New York, for the assignment of Channel 10 to Vail Mills, New York, as a "drop-in" to bring a second VHF service to the Albany-Schenectady-Troy area, and the alternative request of Van Curler Broadcasting Company (WTRI) Albany for the elimination of the intermixture of commercial VHF and UHF assignments in the Tri-Cities area by shifting the educational reservation at Albany from Channel 17 to Channel 6 and by modifying General Electric Company's authorization to operate Station WRGB on Channel 6 at Schenectady, New York, to specify operation on Channel 17. Other parties participating in the proceeding include Greylock Broadcasting Company (WMGT) North Adams, Massachusetts; the General Electric Company (WRGB) Schenectady; Walter C. Neals, Albany, and the State Education Department of the University of the State of New York (WTVZ), Albany. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it a "Petition to Adopt Policy of Deintermixture or for Alternative Relief" filed by Greylock Broadcasting Company on October 18, 1955; a "Petition to Reopen Proceedings" filed by Van Curler Broadcasting Corporation on October 25, 1955, an Opposition to the Van Curler petition filed on October 28, 1955, by Hudson Valley Broadcasting Company and a Petition for Further Oral Argument filed November 4, 1955, by Greylock Broadcasting Company.

2. The petitioners in these proceedings are UHF broadcasters. With the exception of Hudson Valley, which requests the assignment of Channel 10 to Vail Mills, the petitioners seek to deintermix the VHF and UHF assignments in their communities by eliminating VHF commercial channel assignments by reserving them for educational use, shifting them to another community, or by deleting them. The VHF channels which would be affected by the petitioners' basic proposals, with the exception of Channel 6 in Schenectady on which Station WRGB is operating, have not yet been granted by the Commission. However, applications are pending for the VHF channels in the other four cases—Peoria, Evansville, and Hatfield, Madison, and Hartford—and lengthy comparative hearings have been conducted to select the best qualified applicant. Initial Decisions have been rendered by the Hearing Examiner in the Evansville, Peoria, and Madison cases and Oral Argument has been heard by the Commission. In the Hartford case, an Initial Decision has been issued and Oral Argument is being awaited. In Hatfield, the hearing has been concluded and proposed findings have been filed, but an Initial Decision has not yet been issued.

3. A grant of the deintermixture petitions in these proceedings would enable the UHF broadcasters to avoid competition from VHF stations in their own communities or immediate areas. In support of their proposals the petitioners cite the familiar difficulties which have been encountered by UHF broadcasters in competing with VHF. They urge that the opportunities for a full utilization of the locally assigned UHF channels will be substantially reduced by the advent of a local VHF station or, as in the case of the Albany-Schenectady-Troy area, the continued operation of a VHF station already on the air. Referring to the experience of UHF broadcasters generally where UHF and VHF assignments are intermixed, the UHF broadcasters submit that deintermixture as proposed for their respective communities would insure a larger number of local television services and a healthy, competitive television operation in their communities.

4. It is necessary, however, not to lose sight of the fact that the communities involved in the instant proceedings represent only limited segments of the overall problem, which is nationwide in scope. The five rule making proceedings now under consideration were initiated in the hope that a detailed examination of the problem in the light of circumstances prevailing in these communities would provide the basis on which the Commission could formulate policies applicable generally in the effort to alleviate a nationwide problem.[1] In addition to the instant five cases, petitions had been submitted seeking similar action in approximately 15 other communities. But the scope of the problem does not end there.

5. Careful review of the comments and data submitted in the instant proceedings has convinced us that it would not be useful to attempt to find solutions of lasting value within the relatively limited scope of the instant proceedings.[2] Although they have shed helpful light on the problems associated with deintermixture, including the disposition of the channels sought to be removed, the question of "white areas" and others, it has become clear that these proceedings provide an inadequate basis for the formulation of policies which must take due account of the extensive and intricate

[1] In our Notice of Further Rule Making (FCC 55–492) in Docket No. 11236, issued April 21, 1955, we explained that we were "attempting to arrive at a decision of future policy to be uniformly followed, wherever possible, in the effectuation of our Allocation Table for a nationwide television system."

[2] On August 29, 1955, Monona Broadcasting Company and Bartell Television Corporation filed a petition requesting the Commission to take official notice, or to permit limited reopening of the record in the Madison proceeding to admit certain figures released in August 1955 by the United States Census Bureau. Radio Wisconsin, Inc. filed a response to this request. This data has been considered by the Commission.

In the Evansville case, On The Air, Inc. moved to strike the comments of Mid-America Broadcasting Corporation, contending that it would be illegal for the Commission to adopt Mid-America's proposal without further rule making. Owensboro On The Air, Inc. and Owensboro Publishing Company also moved to dismiss Mid-America's comments. Mid-America filed a reply to these motions. Mid-America's comments have been considered in the proceeding.

interrelationships of all parts of the Table of Assignments.

6. Petitioners seek alleviation of a nationwide problem by action directed toward their individual, local communities. Whatever the merits of their contentions that local deintermixture would benefit the particular UHF operators and their local communities, the Commission has serious doubts that the requested relief would be meaningful with respect to the general problem. It is noted that most of these petitions are directed toward those communities where both VHF channels and UHF are now allocated but where no VHF stations (or, in some instances not more than one) have commenced operation, apparently on the theory that deintermixture should be accomplished wherever VHF stations have not yet become so established that, in the view of petitioners, deintermixture is no longer feasible. In our opinion, if deintermixture, even on a partial basis, should finally be determined to be a useful method of resolving the overall problems, the particular communities for its application should not be selected merely because of the fortuitous circumstance of whether a VHF station has commenced operation in any particular community. Certainly there is nothing in the records before us which would lead us to conclude that the limited deintermixture here sought would provide any significant help in resolving the difficulties now confronting UHF broadcasters in other communities, or for that matter, whether the relief that might result in the areas directly involved, would materially strengthen UHF in general. There is little, if any, reason to believe, for instance, that the reassignment of channels as requested in the instant petitions, and in the other pending petitions seeking similar relief, would significantly stimulate the conversion of VHF receivers, the increased sale of combination UHF–VHF sets, the improvement of UHF transmitting and receiving equipment or the elimination of UHF and VHF equipment cost differentials. Moreover, apart from the question of whether deintermixture would provide lasting benefit to the specific communities in question here, it is not possible to ascertain on the basis of the instant rule making proceedings whether deintermixture on the basis proposed by petitioners would be consistent with measures which the Commission must consider in a separate rule making proceeding of much broader scope to cope with the nationwide problem.

7. The present system of intermixed channel assignments is basic to the structure of television allocations established by the Sixth Report and Order. We believe that any modification of the Table of Assignments which would involve significant departures from this system of assignments requires a thorough reexamination of the entire television structure. The interrelationships between the particular circumstances in specific cases and the nationwide television system as a whole cannot be disregarded. In the Commission's opinion, considerations of both fairness and practicability preclude an ad hoc approach such as that suggested by the petitioners in these proceedings.

8. The Commission is convinced that if lasting solutions to the allocation problems now confronting the development of a nationwide competitive television service are to be found, the approach must be nationwide in scope. Accordingly, in order to facilitate the orderly examination of a number of possible solutions, the Commission is instituting a general rule making proceeding. Only through such a general proceeding do we believe the Commission may thoroughly and effectively treat this matter. Accordingly, the Commission believes that the public interest would be best served by denying the instant requests for deintermixture. Petitioners will have the opportunity of participating in the general rule making proceedings and our denial of their petitions is without prejudice to any action the Commission may take as a result of that proceeding.

9. The Hudson Valley proposal presents a different problem. Hudson Valley requests the assignment of a new channel, Channel 10, to Vail Mills, a small community located in the Albany-Schenectady-Troy area, about 20 miles northwest of Schenectady. The Hudson Valley proposal comports with the Commission's present television allocation plan and rules. Unlike the proposals for deintermixture, the petition to assign Channel 10 to Vail Mills is consistent with the rules and principles of our present television allocations established in the Sixth Report and Order. Channel 10 would meet the present minimum spacing requirements and all other standards.[3] Until a decision has been reached on possible amendments to our present allocation, the Commission believes that it would not be justified in withholding action, pursuant to our present allocation plan and rules, that would bring additional television service to a significant number of people. Refusing to make use of this valuable VHF frequency as contemplated by the present rules would, we believe, be a waste of valuable spectrum space for which active demand is indicated. Channel 10 in Vail Mills will represent a second television service to an appreciable percentage of families residing in the area, as well as a first service to a significant number of families. We do not believe that we would be justified in withholding this service, which can be afforded under our present rules even though we are presently considering possible amendments to our allocations. Accordingly, we are amending our rules to add the assignment of Channel 10 to Vail Mills.

10. A number of parties have filed requests for additional time for the filing of supplementary comments, or for the reopening of the record for the submission of additional material or for other relief. The submitted basis of these pleadings is that matters have been presented to the Commission outside of the formal framework of comments and arguments provided for in the procedures governing consideration of the petitions and notices of proposed rule making. In short, an opportunity to reply to this matter is requested. The material referred to related to possible national reallocation schemes. It does not pertain to the merits of granting or denying the particular petitions before us, except as part of such a nationwide approach. We have determined that the records now before us are inadequate to support a grant of the requested deintermixture because of their limited scope. We of course have knowledge, and should, of other and more general suggestions informally submitted to us or before Congressional committees. Having decided upon these records that some approach other than piecemeal deintermixture must be followed, we will afford an opportunity for the formal submission of nationwide solutions in the general rule making proceeding we are concurrently instituting. Whatever plans or solutions which may there be advanced by those persons who were not parties to the present proceedings will be considered in that proceeding, and an opportunity afforded for the submission of supporting or adverse comment. In view of our decision in the instant proceedings, and the fact that a new proceeding of wider scope will now be held, there is no point in reopening the present proceedings to insert comments, and replies thereto, whose function is to discuss nationwide plans and whose proper forum is the general rule making proceeding in which all interested parties may participate.

11. There are also pending in the Evansville case (Docket No. 11334) petitions filed on November 7, 1955, by Mid-America Broadcasting Corp. and Premier Television, Inc., and Ohio Valley Television Company, jointly, which request, inter alia, consolidation of the rule making proceeding concerning deintermixture in Evansville and Hatfield with the two adjudicatory proceedings instituted for the purpose of choosing among mutually exclusive applications for VHF Channels 7 and 9 assigned to those cities. The same petitions also request an amendment of the rules which would preclude action on applications for construction permits for new television stations until after disposition of all pending petitions for rule making and rule making proceedings looking toward removal of the particular channel assignments applied for. The Commission does not believe that it would be desirable to confuse the rule making proceeding with questions of the comparative merits of mutually exclusive applications, which are at issue in the adjudicatory proceedings. Moreover, it would serve no useful purpose to burden the rule making process by consolidating the two matters since, as we point out in paragraph 6 above, final decision on deintermixture of VHF and UHF channels in any community should not be governed by the existence or absence of a VHF station in the community. Nor does the Commission believe that it would serve the public interest to adopt the proposed amendment to the rules, which

[3] It is noted that Vail Mills does not have a post office. A post office, however, is not a prerequisite to the assignment of a television channel. The post office is merely a convenient reference point; and the lack of a post office in a community does not bar an assignment.

would be tantamount to a freeze on authorizations for new television stations. The Commission believes that it must retain the discretion to determine on a case-by-case basis when the public interest requires that it freeze its adjudicatory processes during the pendency of rule making. (See FCC v. WJR, The Goodwill Station, Inc., 337 U. S. 265. The Commission is of the opinion that the procedural inflexibilities petitioners seek to introduce are neither necessary nor desirable. The petitions referred to at the beginning of this paragraph are, accordingly, denied. The petitions for intervention in the adjudicatory proceedings, which were incorporated in the same documents with the foregoing requests, are not disposed of here. Various requests for stays in adjudicatory proceedings are also not disposed of here.

12. Several additional petitions advert to the fact that Commissioner Mack was not yet a member of the Commission at the time the oral arguments were held in the instant proceedings and request further oral argument for the purpose of enabling Commissioner Mack to participate in these proceedings, and to afford an opportunity to present views on courses of action which petitioners state were not contemplated at the time of the initial oral arguments. It should be recognized at the outset that there is no requirement of law that an oral argument be afforded in a rule making proceeding. FCC v. WJR, The Goodwill Station, Inc., et al., 337 U. S. 265. Daily News Television Company, 7 Pike & Fischer, R. R. 839. The Commission, within its discretion, heard oral arguments in these proceedings. However, we see no necessity for further argument. Petitioners' reference to participation by Commissioner Mack erroneously presupposes that because he took office after the oral arguments were held, he is not qualified to participate in decisions adopted in these proceedings. In the Commission's view, no such limitation affects the qualifications of a Commissioner to participate in these proceedings. The full record in the proceedings, including the transcript of the oral arguments, has been available to Commissioner Mack; and he has read the transcript. There is no bar to participation by a Commissioner who takes office after an oral argument if the Commissioner has read the transcript of the argument. See Eastland Co. v. FCC, 92 F 2d 467, cert. den. 302 U. S. 735. The petitions requesting further oral argument in these proceedings are accordingly denied.

13. Authority for the adoption of the amendment herein is contained in Sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

14. In view of the foregoing: *It is ordered,* That the foregoing petitions for deintermixture listed in paragraph 1 above, are denied.

15. *It is further ordered,* That, effective December 16, 1955, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the city named is concerned as follows:

City	Channel
Vail Mills, N. Y.	10—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 10, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-9210; Filed, Nov. 15, 1955; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

SEASONS, LIMITS AND OTHER PROVISIONS

Basis and purpose. On May 24, 1955, amendments to Part 46, Title 50, Code of Federal Regulations, were adopted to prescribe hunting, trapping and fishing seasons and limits on game and fur animals, birds, and game fishes in Alaska for the season beginning July 1, 1955. These amendments were adopted pursuant to authority contained in section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U. S. C. 198) and were published in the FEDERAL REGISTER on June 4, 1955 (20 F R. 3895)

The schedule constituting a part of § 46.102 of these regulations prescribed open seasons on moose (bulls with forked antlers or larger) extending from August 20 through September 20 and from November 10 through November 30 in the Susitna and Matanuska River drainages west of 148° W. longitude. The reference to the drainages of the two rivers mentioned had the effect of excluding from the area opened to moose hunting important moose range in the Wasilla-Knik Arm and Little Susitna drainages where moose concentrations have increased to such an extent as to become a menace to the populated districts located in this general area. With a view to reducing the concentration of moose in such populated districts, the Alaska Game Commission early in 1955 had recommended that a 20-day moose season in November be prescribed which would include not only the drainages of the Susitna and Matanuska Rivers but would also include the lands lying between the drainages of these two streams and the area southeast of Knik Arm. In order to provide an area description which will carry the recommendations of the Alaska Game Commission into effect and thus contribute toward the reduction of moose concentrations in the areas where they principally occur, the regulations under the Alaska Game Law are amended as follows:

1. The schedule constituting a part of § 46.102 *Seasons, limits and other provisions,* as the same appears in 20 F R. 3896 and 3897, is amended in that part of the text which appears under the subheading "Moose (bulls with forked antlers or larger)" column heading "Areas open to hunting" by deleting the area description "Susitna and Matanuska River drainages west of 148° W longitude" and by substituting therefor the area description "The drainage to Cook Inlet north of 61°5' N. latitude and west of 148° W longitude" As so amended, the said schedule, in pertinent part, will read as follows:

Areas open to hunting	Seasons	Limits
* * *	* *	*
Moose (bulls with forked antlers or larger)		
* * *	* *	*
The drainage to Cook Inlet north of 61°5' N. latitude and west of 148° W. longitude.	Aug. 20-Sept. 20, Nov. 10-30.	1 bull a year.
* * *	* *	*

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Since this amendment relieves existing restrictions on the taking of moose in the Territory of Alaska, notice and public procedure are unnecessary and it shall become effective immediately. (5 U. S. C. 1003 (c))

Issued at Washington, D. C., and dated November 7, 1955.

DOUGLAS MCKAY, *Secretary of the Interior*

[F. R. Doc. 55-9186; Filed, Nov. 15, 1955; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. Section 261.1 (a) is amended by adding to the listed provisions the following:

§ 261.1 *Incorporation by reference.*
(a) * * *

§ 221.18 Payments and maturity dates.

* * * * * *

2. Part 261 is amended by adding a new § 261.7a as follows:

§ 261.7a *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 4 nor more than 30 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The

[4] Dissenting statements of Commissioners Hyde and Bartley and statement of Commissioner Webster concurring in part and dissenting in part are filed as part of original document.

amortization period should be either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

3. Section 266.1 (a) is amended by adding to the listed provisions the following:

§ 266.1 *Incorporation by reference.* (a) * * *

§ 221.18 Payments and maturity dates.

* * * * *

4. Part 266 is amended by adding a new § 266.6a as follows:

§ 266.6a *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 4 nor more than 30 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The amortization period should be either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., November 10, 1955.

NORMAN P MASON,
Federal Housing Commissioner

[F. R. Doc. 55-9263; Filed, Nov. 15, 1955; 10:11 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 205—CHEMISTRY

Subchapter B—Standard Samples

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

TEST FEE SCHEDULES AND STANDARD SAMPLES

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedure, because of nature of these rules, serve no useful purpose. These schedules are effective from November 7, 1955.

1. Section 205.701 is added to read as follows:

§ 205.701 *High-purity methane gas.*

Item	Description	Fee
205.701a	Certification of Heating Value of sample of high-purity methane gas submitted by the American Gas Association for use in calibration of recording gas calorimeters	$20.00

2. Section 230.11 *Descriptive list* is amended as set forth below:

a. Paragraph (b) *Irons* is amended to add standard 3 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
3	White iron	125	$4.25

b. Paragraph (f) *Ceramic materials* is amended to add standard 177 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
177	Portland cement	(1)	$4.25

[1] Three 5-gram portions sealed in glass vials.

c. Paragraph (p) *Standards for rubber compounding* is amended to add standards 377, 378, 379, 380 and 381 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
377	Phenyl-beta-naphthylamine	600	$4.00
378	0.1 furnace black	7,000	3.50
379	Conductive black	5,000	3.50
380	Calcium carbonate	6,000	2.00
381	Calcium silicate	4,000	2.50

d. Paragraph (r) *Radioactive standards* is amended to add standards 4925 through 4932, revise standards 4900 through 4903, 4910 through 4924, 4950 through 4952, 4955 through 4964, and to delete standards 4937 through 4999 to read as follows:

(r) *Radioactive standards.*[2]

ALPHA-BETA-GAMMA STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity [a]	Volume	Price per sample
4900	α	Polonium-210 [b]	200 dpm	(c)	$20.00
4901	α	Polonium-210 [b]	500 dpm	(c)	20.00
4902	α	Polonium-210 [b]	1000 dpm	(c)	20.00
4903	α	U_3O_8 [d]	15 dpm	(c)	20.00
4910	$\beta(\alpha)$	RaD+E [f]	200 dpm	(c)	20.00
4911	$\beta(\alpha)$	RaD+E [f]	500 dpm	(c)	20.00
4912	$\beta(\alpha)$	RaD+E [f]	1000 dpm	(c)	20.00
4913	$\beta(\gamma)$	Cobalt-60	10 dpm/ml [e]	(c)	20.00
4914	$\gamma(\beta)$	Cobalt-60	10 dpm	5.0 ml	20.00
4915	$\gamma(\beta)$	Cobalt-60	100 dpm	5.0 ml	20.00
4916	β	Phosphorous-32 [g]	10 dpm/ml [e]	(h)	20.00
4917	$\beta(\gamma)$	Iodine-131 [i]	10 dpm/ml [e]	(h)	20.00
4918	$\beta(\gamma)$	Gold-198 [j]	10 dpm/ml [e]	(h)	20.00
4919	β	Strontium-90 / Yttrium-90	10 dpm/ml [e]	(h)	20.00
4920	β	Thallium-204	10 dpm/ml [e]	(h)	20.00
4921	$\beta(\gamma)$	Sodium-22	10 dpm/ml [e]	(h)	20.00
4922	$\gamma(\beta)$	Sodium-22	10 dpm	5.0 ml	20.00
4923	$\beta(\gamma)$	Sodium-24 [k]	10 dpm/ml [e]	(h)	20.00
4924	β	Carbon-14	10 dpm/ml [e]	25.0 ml	20.00
4925	β	Carbon-11 [l]	10 dpm [m]	(h)	20.00
4926	β	Hydrogen-3	10 dpm/ml	25.0 ml	20.00
4927	β	Hydrogen-3	10 dpm/ml	(h)	20.00
4928	β	Sulphur-35	10 dpm/ml [e]	(h)	20.00
4929	K	Iron-55	10 dpm/ml	(h)	20.00
4930	$K(\gamma)$	Zinc-65	10 dpm/ml	(h)	20.00
4931	$\gamma(\beta)$	Cesium-137	10 dpm/ml	5.0 ml	20.00
4932	$\gamma(\beta)$	Mercury-203	10 dpm/ml	5.0 ml	20.00

[a] The disintegration rate as of the reference date is given on a certificate accompanying the standard.

[b] Samples consist of polonium-210, deposited on a silver disk 1 inch in diameter, 1/16 inch thick and faced with 0.002 inch of palladium.

[c] Deposited source.

[d] Samples consist of U_3O_8 deposited on a 0.1 millimeter platinum foil and mounted on an aluminum disk, 1¼ inch in diameter and 1/16 inch thick. The alpha-ray disintegration rate as of the date of calibration is indicated on the certificate accompanying the standard.

[e] Evaporated source.

[f] Standards consist of Pb-210—Bi 210 in equilibrium, deposited on the 0.002 inch thick palladium face of a silver palladium disk.

[g] Total activity has been adjusted so that AEC authorization is not required.

[h] Approximately 3 milliliters of low solids carrier solution containing the active nuclide in a flame-sealed ampoule.

[i] Distributed periodically at announced intervals.

[j] For use in liquid scintillation counters.

[k] Crystallized benzoic acid.

RADIUM STANDARDS (FOR RADON ANALYSIS)

Sample No.	Radium content	Volume (ml) [a]	Price per sample
4950	10^{-9} gram	100	$20.00
4951	10^{-11} gram	100	20.00
4952	Blank solution	100	2.00

[a] Samples are sealed in glass containers.

[2] Radioactive standards are shipped express collect.

RADIUM GAMMA-RAY STANDARDS

Sample No.	Description	Radium content	Volume (ml) [a]	Price per sample
4955	Radium	0.1×10^{-6} gram	5	$20.00
4956	Radium	0.2	5	20.00
4957	Radium	0.5	5	20.00
4958	Radium	1.0	5	20.00
4959	Radium	2.0	5	20.00
4960	Radium	5.0	5	20.00
4961	Radium	10	5	20.00
4962	Radium	20	5	20.00
4963	Radium	50	5	20.00
4964	Radium	100	5	20.00

[a] Samples are sealed in glass ampoules.

ROCK AND ORE STANDARDS—RADIUM ROCK SAMPLES

Sample No.	Rock	Average radium content (gram of radium per gram of rock)	Price per sample
4975	Dunite	$(0.009 \pm 0.004) \times 10^{-12}$	$3.00
4976	Carthage limestone	0.14 ± 0.03	3.00
4977	Berea sandstone	0.24 ± 0.02	3.00
4978	Columbia River basalt	0.33 ± 0.03	3.00
4979	Chelmsford granite	2.96 ± 0.08	3.00
4980	Quartzite	0.06 ± 0.01	3.00
4981	Graniteville granite	3.3 ± 0.2	3.00
4982	Gabbro-diorite	0.18 ± 0.02	3.00
4983	Milford granite	0.23 ± 0.02	3.00
4984	Triassic diabase	0.18 ± 0.03	3.00
4985	Deccan trap	0.21 ± 0.04	3.00
4986	Kimberlite	0.59 ± 0.04	3.00

Each sample consists of 100 g of pulverized rock taken from bulk material analyzed for radium content. Petrographic data and approximate chemical analysis of a representative sample of each rock is also given in a certificate accompanying each sample.

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C 276)

[SEAL] A. V ASTIN,
Director National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-9139; Filed, Nov. 15, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1942]

PART 192—OIL AND GAS LEASES

EXTENSION FOR TERMS OF COOPERATIVE OR UNIT PLAN

Paragraph (c) of § 192.122 is amended to read as follows:

§ 192.122 *Extension for terms of cooperative or unit plan.* * * *

(c) Any lease committed after July 29, 1954 to such a plan, which covers lands within and lands outside the area covered by the plan, shall be segregated, as of the effective date of unitization, into separate leases; one covering the lands committed to the plan and the other the lands not so committed. The segregated lease covering the nonunitized portion of the lands, shall continue in force and effect for the term thereof but for not less than two years from the date of segregation, and so long thereafter as oil or gas is produced in paying quantities.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
Secretary of the Interior

NOVEMBER 9, 1955.

[F. R. Doc. 55-9208; Filed, Nov. 15, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 983]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

PROPOSED TERMINATION OF SUSPENSION OF MARKETING AGREEMENT NO. 112 AND ORDER NO. 83

Effective February 1, 1955, an order (19 F R. 585) was issued suspending Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia. Notice is hereby given that the Secretary of Agriculture is considering whether or not to terminate such suspension on January 31, 1956. If the suspension is terminated, the provisions of the Marketing Agreement and Order, including the provisions which prohibit the handling of any of the seven top stalk leaves immediately below the seed head of any tobacco plant that was not topped, or any of the four top stalk leaves of a tobacco plant that was topped, will automatically become operative.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal may file the same with the Director of the Tobacco Division, Agricultural Marketing Service, Room 3521 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

All terms used herein have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 10th day of November 1955.

[SEAL] STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

[F R. Doc. 55-9219; Filed, Nov. 15, 1955; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

NOTICE OF EXTENSION OF TIME TO SUBMIT VIEWS AND ARGUMENTS

On October 26, 1955, there was published in the FEDERAL REGISTER (20 F R. 8051) a notice that I proposed to amend Part 201 of the General Regulations (41 CFR Part 201) by the revocation of § 201.101 (b) (2) and by the amendment of § 201.603 to exempt certain persons from the requirement of section 1 (a) of the Walsh-Healey Public Contracts Act that they represent they are manufacturers or regular dealers in goal. The notice provided that within thirty days from the date of its publication, interested persons could submit in writing to the Office of the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., their views, arguments or data relative to the proposed amendments.

Notice is hereby given that, upon good cause shown, the time for filing with the Office of the Administrator, such written views, arguments or data relative to the proposed amendments of Part 201 is extended to December 27, 1955.

Signed at Washington, D. C., this 10th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor

[F. R. Doc. 55-9216; Filed, Nov. 15, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42]

[Draft Release No. 55-26]

FLIGHT RECORDERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to Parts 4b, 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 16, 1956. Copies of such communications will be available after

January 18, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On two occasions within the past several years the Board has amended the Civil Air Regulations to require the use of a recording device on scheduled air carrier aircraft. In both instances the Board found it necessary to rescind the amendments since the instruments then available were found to be unreliable and inadequate for the purpose intended. The Board gave notice, however, that a requirement for a recording device would be reconsidered at such time as a suitable instrument was available.

We are now informed that a suitable flight recorder is available. This recorder gives evidence of being a rugged, self-contained instrument which records time, airspeed, pressure altitude, vertical acceleration, and heading directly on aluminum foil. It operates for 300 hours flight time between changes of record and requires no attention of the flight crew in operation. The record can be quickly removed and read at any time without processing. The instrument is enclosed in a 13-inch diameter spherical shell designed for reduction of impact damage and for protection of the record during crash impacts and fire following crashes. Weight of the installed instrument is approximately 25 pounds. The instrument will float in water and the record foil is resistant to attack by sea water. Although this instrument does not record communications, the lack of this feature is of minor importance due to the steadily increasing number of communication centers which automatically record all outgoing and incoming radio transmissions. This instrument has undergone 5,300 hours of satisfactory service testing.

In view of the foregoing, notice is hereby given that it is proposed to amend the appropriate parts of the Civil Air Regulations to require the installation of flight recorders on certain aircraft.

It has been recommended that the regulations be amended to provide that all four-engine and all two-engine airplanes originally type certificated under Parts 4a and 4b of the Civil Air Regulations having a maximum certificated take-off weight of more than 12,500 pounds shall not be operated in air transportation unless they are equipped with instrumentation to record continuously during flight the following information: Time, vertical acceleration, airspeed, pressure altitude, and direction. The recorder would have to comply with design specifications prescribed by the Administrator of Civil Aeronautics. It was further recommended that the air carriers be required to preserve flight recorder records for a period of 30 days.

In support of this recommendation, it was maintained that the recorder would provide useful information with respect to accident prevention and accident investigation which would be of value not only to government agencies, but also to the airlines. For example, a study of the flight record would disclose information with respect to the need for structural inspection of the aircraft after hard landings or severe turbulence and whether flights have been conducted in accordance with clearances and approved operating procedures.

As an alternative to the foregoing, it has also been recommended that the regulations be amended to require the installation of this instrument only on transport category airplanes designed to operate above 25,000 feet altitude. Such a proposal is based upon the assumption that justification for requiring flight recorders exists only for airplanes which are intended for operations at high altitudes where little operational experience exists. Thus, the installation of recorders on such airplanes would contribute to overall safety of operation.

In addition to the two alternatives described, the Board would welcome any other proposals as to types of aircraft and operations for which flight recorders should be required.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., November 10, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-9222; Filed, Nov. 15, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11532; FCC 55-1124]

TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 3 of the Commission's rules and regulations governing Television Broadcast Stations.

1. The Commission's present television assignment plan, promulgated in its Sixth Report and Order in 1952, was designed to lay the foundation for the development of a nationwide competitive television system which would meet a series of stated objectives. These objectives may be briefly summarized as follows:

(a) At least one service to all areas.

(b) At least one station in the largest possible number of communities.

(c) Multiple services in as many communities as possible to provide program choice and to facilitate competition.

2. To some extent these objectives have been realized. Over 90 percent of the population can receive a degree of service from at least one television station. Approximately 75 percent can receive a degree of service from two or more stations. Almost 275 communities have at least one, and 112 of these have two or more, local television facilities in operation. Over 430 stations are now on the air, and the number of television sets in the hands of the public has increased to 35 million.

3. But despite this tremendous growth, it is evident from recent experience that a nationwide competitive television service has not been realized to the extent contemplated at the time the Commission issued its Sixth Report and Order. Many of the smaller communities are without a first local outlet and the expansion of multiple, competing services in the larger economic and population centers of the country is lagging. Difficulties encountered in achieving successful operation of stations in the UHF band have been a significant factor leading to this situation.

4. The familiar difficulties presently facing television broadcasters raise questions with respect to basic elements of the standards and principles established by the Commission in the Sixth Report and Order. And while these difficulties have varying impact on individual broadcasters and communities, they are manifestly nationwide in scope and may have far-reaching implications for the future of the television system as a whole. The Commission is therefore convinced that any approach to their solution must take cognizance of the overall, national scope of the problem.

5. The Commission recognizes that some of the present hindrances to the further expansion of television service in many communities are due to causes which lie beyond its control. To an appreciable extent these problems are basically economic and arise out of the limits beyond which it is not possible, at the present stage of the development of the television art, to obtain sufficient economic support to meet the high costs of construction, programming and operation of television stations. On other aspects of the problem, relating for example to the improvement of transmitting and receiving equipment, the industry itself can make valuable contributions. At the same time, the Commission wishes to insure that to the extent that any of the present difficulties may be alleviated by possible revision of the present allocation system, such possibilities will be fully explored.

6. The Commission has received a number of proposals from interested segments of the industry, which although they envisage fundamental departures from the present system adopted in the Sixth Report and Order and approach the problem on a nationwide basis, do not challenge the Commission's basic objectives. Some of the techniques suggested for alleviating the difficulties involve the use of additional VHF frequencies; the reduction of minimum separations to make additional VHF channel assignments possible, using either the present 12 VHF channels or new VHF channels, or both; deintermixture on a basis consistent with a nationwide solution; and other techniques. A number of the proposals include suggestions for modifications of the present standards which would permit the use of directional antennas, cross polarization, new limits on antenna heights and maximum powers for new channel as-

signments, and others; and some proposals contemplate combinations of the foregoing techniques. Some of the proposals envisage a revised nationwide table of fixed assignments; others look toward the adoption of new standards which would govern the addition of specific channel assignments on the basis of individual applications. In addition to these plans which have already been advanced, the Commission understands that a number of studies have been initiated by other groups in the industry.

7. In these circumstances, the Commission believes that the public interest would be served by the institution of a general rule making proceeding to consider possible overall solutions to the problem on a broad, nationwide basis. All interested parties, including those who have informally tendered proposals to the Commission, will have the opportunity of submitting their suggestions in this proceeding. This proceeding will, we believe, facilitate an orderly review of the proposals and will afford the Commission a sound basis on which it may compare the advantages and disadvantages of the proposals, both among themselves and with respect to the present plan, and evaluate them in terms of the opportunities they may provide for fuller realization of a nationwide competitive television system.

8. As noted, there is considerable diversity among the various approaches that have been suggested. The multiplicity of the possible alternative plans suggests the desirability of establishing a basis on which it will be possible for the Commission to make a full and fair evaluation of the different proposals. This would be facilitated if those parties submitting proposals included data and comments relating to:

(a) The nature and the extent of departures, if any, from the present standards as adopted in the Sixth Report and Order with respect to:

(1) Minimum separations.

(2) Minimum and maximum limitations on powers and antenna heights.

(3) Use of directional antennas.

(4) Cross polarization.

(5) Any other deviations from present standards.

(b) The effect of the proposed revision on the assignments occupied by existing stations.

(c) The extent to which the plan submitted provides for the future expansion of television service.

(d) The impact of the plan on the problem of receiver incompatibility.

(e) The effect of the plan on the educational reservations.

It would also be helpful to the Commission if parties submitting proposals which envisage a revised table of fixed channel assignments, would include an assignment plan for Zone I indicating the specific assignments in each city. The Commission will also consider proposals which envisage revised standards for the addition of channel assignments on the basis of individual applications, rather than by incorporating new assignments in a revised fixed Table of Assignments.

9. In this initial stage, the Commission believes it would not be desirable to consider proposals whose scope is limited to action affecting only individual communities or a limited area. Premature involvement with questions relating exclusively to individual city assignments or to limited areas, without reference to a nationwide system, would unduly impede our progress in determining the basic course which it would be desirable to follow in considering possible revisions to the nationwide television allocation plan. At a later date, when the Commission has determined the general nature of any revisions to the present allocation scheme which it would be desirable to adopt, it will then be in a better position to consider comments relating to specific channel assignments proposed for individual communities.

10. All interested parties are invited to file written comments in accordance with this Notice. In light of the many considerations which favor minimizing delay, the Commission has decided to require the filing of comments no later than December 15, 1955, and the filing of reply comments by January 6, 1956. An original and 14 copies of comments should be filed.

11. Authority for the institution of this proceeding is contained in sections 1, 4 (i) and (j) 301, 303, (a) (b) (c) (d) (e) (f) (g) (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the administrative procedure act.

Adopted: November 10, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9211; Filed, Nov. 15, 1955; 8:50 a. m.]

[47 CFR Part 14]

[Docket No. 11535; FCC 55-1107]

RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

INTERSHIP USE OF CERTAIN FREQUENCIES

In the matter of amendment of Part 14 of the Commission's rules with respect to intership use of the frequencies 1622 kc and 2382 kc in the Alaska area.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Part 14 of the Commission's rules (§ 14.259 (a) (2)) provides for use of the frequency 1622 kc for intership communication in Alaskan waters between ship stations on board vessels of less than 500 gross tons and for use of the frequency 2382 kc for such communication between ship stations on board vessels of 500 gross tons or more. In contrast to the frequencies 2638 kc and 2738 kc which are used for intership telephony not only in Alaskan waters but throughout the general area of the Pacific seaboard of North America, the frequencies 1622 kc and 2382 kc are available for intership communication in the Alaska area only. Hence their use for this purpose in the latter area would appear to be preferred over the use of 2638 kc or 2738 kc in that less interference may be anticipated and more expeditious communication should be possible.

3. Further, it appears that an exception to the plan of assignment of the frequencies 1622 kc and 2382 kc for intership communication, as set forth in existing rule § 14.259 (a) (2), should be recognized in behalf of ocean-going tugboats which, regardless of their gross tonnage, may have need in connection with towing or salvage operations to communicate on either 1622 kc or 2382 kc with other vessels authorized to use either but not both of these frequencies for intership communication.

4. It is proposed to amend the applicable rule so as to authorize ship stations on board ocean-going tugboats of any gross tonnage to communicate with other vessels in the Alaska area either on 1622 kc or 2382 kc as circumstances may require.

5. The proposed amendment would facilitate and improve communication in Alaskan waters between ocean-going tugboats and other ships, particularly in respect to communication relative to towing and salvage operations at sea.

6. The proposed amendment is set forth below and is issued under the authority contained in sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before December 23, 1955, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. The Commission will consider all comments and briefs presented before taking final action in this matter.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 9, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 14 is amended to read as follows:

1. Section 14.259 (a) (2) is amended to read:

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony—1622 and 2382. The use of these frequencies shall be as follows:

(i) Between ship stations on board vessels of less than 500 gross tons, and between such ship stations and ship stations on board ocean-going tugboats of any gross tonnage—1622 only, except as provided in subdivision (iii) of this subparagraph, and

(ii) Between ship stations on board vessels of 500 gross tons or more, and between such ship stations and ship stations on board ocean-going tugboats of any gross tonnage—2382 only, except as provided in subdivision (iii) of this subparagraph.

(iii) Between ship stations on board ocean-going tugboats of any gross tonnage—1622 or 2382.

NOTE: The term "ocean-going tugboat" for this purpose means only a tugboat which normally is capable of engaging in towing or salvage operations in the open sea.

[F. R. Doc. 55-9212; Filed, Nov. 15, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 30920]

AMORTIZATION ACCOUNTING FOR EMERGENCY CARRIER FACILITIES

NOTICE OF PROPOSED RULE MAKING

NOVEMBER 8, 1955.

Representations have been received from Arthur Andersen & Co., a public accounting firm not presently a party of record to the above-entitled proceeding, that the Commission should reconsider its finding herein which rejected income tax equalization, a special accounting rule briefly described in the report (284 I. C. C. 9) previously adopted on December 21, 1951.

So that the Commission may be fully advised in the premises, any party to this proceeding and any other persons interested in the matter of income tax equalization, as that term is used in the report previously adopted herein, may participate by submission of their views and arguments in writing, together with data or other evidence. Such data, views, arguments, and evidence should be filed with the Commission on or before December 15, 1955.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9198; Filed, Nov. 15, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 71]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 46

NOVEMBER 7, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15) the following described lands totaling 2,880 acres located in Maricopa County are hereby classified for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938, (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 E.,
Sec. 15: W½, SE¼,
Sec. 20: SE¼,
Sec. 21: E½, SW¼,
Sec. 22: All;
Sec. 26: S½,
Sec. 27: S½S½,
Sec. 28: N½,
Sec. 35: E½.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. (682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application, lease, and sale, with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to November 7, 1955, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a)

E. R. TRAGITT,
State Lands and Minerals, Staff Officer

[F. R. Doc. 55-9187; Filed, Nov. 15, 1955; 8:45 a. m.]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Reclamation, Department of the Interior has filed an application, Serial No. Wyoming 035129, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws but not including the mineral leasing laws.

The applicant desires the land for use in connection with the Riverton Project, Wyoming.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WIND RIVER MERIDIAN

WYOMING

T. 1 N., R. 3 E.,
Sec. 9: NE¼,
Sec. 10: S½,
Sec. 13: Lot 1, W½,
Sec. 14: E½,
Sec. 24: N½.
T. 1 N., R. 4 E.,
Sec. 6: Lots 3, 4, 5, 6, 7, SE¼, E½SW¼, SE¼NW¼,
Sec. 7: All;
Sec. 8: W½,
Sec. 19: Lots 1, 2, E½NW¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 55-9183; Filed, Nov. 15, 1955; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

INVITATION TO BID ON SURETY BOND

This invitation is for bids on position schedule and/or blanket position bond in favor of the United States, covering certain officers and employees of the Department of Health, Education, and Welfare, for the premium period beginning January 1, 1956, through December 31, 1957.

Purchase of such bonds is authorized by Public Law 323, 84th Congress, and Treasury Department Circular No. 969. (Title 31, Chapter II, Subchapter A, Part 226.)

The following classes of employees are to be bonded:

	Penal sum	Number
Certifying officers	$7,000	214
Agent cashiers	$3,000 to $5,000	60
Disbursing officers	$7,000 to $25,000	17
Miscellaneous[1]	$7,000	177

[1] Includes custodians of money and property, collection clerks, cashiers, postal clerks, and bonded messengers.

Bids. Bids are invited for the execution of bonds in the following forms:

1. Position Schedule Bond Form HEW-74 (Exhibit A)[1]

2. Blanket Position Bond Form HEW-75 (Exhibit B)[1]

Positions to be covered. Schedules (Exhibit C)[1] are attached showing positions to be covered, class of bond, penal sum and location of position. The number of incumbents shown in the schedule is as of November 8, 1955, and represents the best estimated number of incumbents who will be filling the positions as of January 1, 1956.

[1] Filed as part of original document. Copies are available upon request to Department of Health, Education, and Welfare.

Bids may be obtained upon request from: Purchase Section, Division of General Services, Department of Health, Education, and Welfare, Room 5639 HEW Building, Washington 25, D. C.

Invitation No. SA–18–56 to be opened December 6, 1955, 11:00 a. m., e. s. t.

Any questions concerning the bid or bond requirements should be directed to the above address, attention M. M. Smith, Telephone EXecutive 3–6300, extension 3343.

Dated. November 10, 1955.

[SEAL] MARIE M. SMITH,
Chief Supply Branch.

Approved: November 10, 1955.

D. F SIMPSON,
Director General Services.

[F. R. Doc. 55–9223; Filed, Nov. 15, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705, et al., Order No. E–9733]

AMERICAN AIRLINES, INC., AND FLYING TIGER LINE, INC.

ORDER ASSIGNING FOR HEARING PETITIONS TO MODIFY MINIMUM RATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 10th day of November 1955.

Air freight rate investigation, the petition of American Airlines, Inc., to modify minimum rates; the petition of Flying Tiger Line Inc., to modify minimum rates.

The Board on June 2, 1948, entered an order[1] in this proceeding prescribing lawful minimum rates for the transportation of property by air (except for property carried in the air express service) and providing that the record be held open for any party in interest to petition for modification of the minimum rates prescribed by such order.

American, by petition filed October 6, 1955, has requested that Order No. E–1639 be amended so as to exclude from the minimum rates and charges provided therein the rates and charges for a deferred air freight service proposed by American.

American, by paper designated Reply, filed November 2, 1955, has requested permission to institute such deferred rates for the period of one year without hearing.

Railway Express Agency, (REA) Slick Airways, Inc., (SLICK) Trans World Airlines, Inc. (TWA) United Air Lines, Inc. (United) and The Flying Tiger Line Inc. (Tiger) have opposed American's proposed deferred service, and urged in substance that no modification of the minimum rate order be permitted without hearing on American's petition.

Tiger, by petition filed October 7, 1955, has requested that the Tenth Supplemental Order Modifying Prescribed Minimum Rates[2] be amended to reduce the minimum rates prescribed for large volume shipments.

Slick, American and REA have by answer opposed the proposals contained in Tiger's Petition, and requested that no modification be made of the minimum orders prescribed in Docket No. 1705 without hearing on such petition. American has requested that consideration of Tiger's petition be deferred until the Board has acted upon its petition herein dated October 6, 1955, and upon the issue of joint loading by forwarders in Docket No. 5947.

The Board, upon consideration of the foregoing petitions and answers and of the record and orders previously entered in this proceeding, believes that there may be sufficient grounds to modify minimum rates prescribed herein and that a hearing or hearings should be held upon the petitions of American and Tiger to modify the minimum rate orders heretofore entered in this proceeding, and that every effort should be made to expedite decision herein.

We have considered American's request to modify the minimum rate order so that it may institute deferred rates below the established minimums for the period of one year without hearing, and find no basis upon which such request could be properly granted.

The Board finds no sufficient reason to defer hearing upon Tiger's petition as requested by American. It appears that the issues raised by the petitions of American and Tiger, and the answers thereto, and the positions of the parties with respect to consolidation of these petitions can best be determined after prehearing conference. We will, therefore, defer action upon the question of consolidation of hearing on American's and Tiger's petitions until after the prehearing conference has been held upon the proceedings on both petitions.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404 and 1002 thereof:

It is ordered, That:

1. The petition of American Airlines, Inc., to amend the minimum rate orders previously entered in this proceeding be assigned for hearing before an examiner of the Board at a time and place hereinafter to be designated.

2. American's request to institute below minimum rates on deferred air freight prior to hearing be and it is hereby denied.

3. The petition of Flying Tiger Line, Inc., to amend the minimum rate orders previously entered in this proceeding be assigned for hearing before an examiner of the Board at a time and place hereinafter to be designated.

4. At the conclusion of the hearings herein prescribed, the examiner shall immediately certify the records to the Board for decision.

5. A copy of this order be served upon all parties to this proceeding.

6. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–9221; Filed, Nov. 15, 1955; 8:52 a. m.]

[1] Order No. E–1639, 9 CAB 340.

[2] Order No. E–7837 dated October 21, 1953, Docket No. 1705.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11424, etc., FCC 55M–932]

MANCHESTER BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of John Deme, d/b as Manchester Broadcasting Company, Manchester, Connecticut, Docket No. 11424, File No. BP–9176; Regional Broadcasting Company, East Hartford, Connecticut; Docket No. 11425, File No. BP–9399; Brothers Broadcasting Corporation, Hartford, Connecticut, Docket No. 11426, File No. BP–9631, for construction permits.

The Hearing Examiner has under consideration (1) a petition filed October 28, 1955, by John Deme, d/b as Manchester Broadcasting Company, wherein he requests that the date previously designated by the Hearing Examiner for the exchange of engineering information, November 7, 1955, be changed and extended to November 16, 1955; and (2) a pleading filed November 1, 1955, by counsel for Regional Broadcasting Company opposing such request for an extension of time. Oral argument was held on the pleading this date, November 3, 1955.

It appearing from the pleadings and argument that a misunderstanding and the recent New England floods have resulted in a delay in the taking of measurements by John Deme, the petitioner. The opposition to the petition for extension of time is predicated on the assumption that by the exercise of due diligence, the measurements could have been taken by John Deme prior to the floods referred to;

It appearing from the argument that the granting of the extension of time as requested will not result in a delay in the opening of the evidentiary hearing on November 21, 1955, and that good cause has been shown why the petition for extension of time should be granted;

It is ordered, This the 3d day of November 1955, that the petition for extension of time be and the same is hereby granted and the engineering information to be offered in evidence in response to all issues involving engineering will be exchanged with the parties on or before the close of business November 16, 1955;

It is further ordered, That the date for the start of the evidentiary hearing remains unchanged, namely, November 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55–9213; Filed, Nov. 15, 1955; 8:51 a. m.]

[Docket No. 11545; FCC 55–1119]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM

Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Greenville, Tenn.		235
Greenville, S. C.	235	216
Clemson, S. C.	249	271

3. The purpose of the proposed amendment is to provide a Class B channel in Greeneville, Tennessee, to facilitate consideration of a pending application submitted by Radio Greeneville, Inc., for a new Class B FM broadcast station in that city.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c), (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 9, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of section 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 9, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9214; Filed, Nov. 15, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3420]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING EFFECTIVENESS TO DECLARATION REGARDING PROPOSED ISSUANCE AND SALE BY SUBSIDIARY COMPANY OF REGISTERED HOLDING COMPANY OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING; AND ISSUANCE AND SALE BY SUBSIDIARY COMPANY AND ACQUISITION BY ITS PARENT COMPANY OF COMMON STOCK

NOVEMBER 9, 1955.

American Natural Gas Company ("American Natural"), a registered holding company, and its subsidiary, Michigan Consolidated Gas Company ("Michigan Consolidated"), an operating gas utility company, having filed with this Commission a joint application-declaration and amendments thereto under the Public Utility Holding Company Act of 1935 ("Act") pursuant to Sections 6 (b), 9, 10, and 12 (f) and Rules U-43 and U-50 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Michigan Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage Bonds, ____ Percent Series, due 1980. These bonds will be dated November 15, 1955, will mature November 15, 1980, and will be issued under Michigan Consolidated's Indenture of Mortgage and Deed of Trust dated as of March 1, 1944, as heretofore supplemented by six supplemental indentures and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of November 15, 1955. The interest rate on the new bonds (which is to be a multiple of ⅛ of 1 percent) and the price to be received by Michigan Consolidated (which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102¾ percent of the principal amount) are to be determined at competitive bidding pursuant to the provisions of Rule U-50.

Prior to or simultaneously with the issuance of the bonds, Michigan Consolidated proposes to sell to American Natural and American Natural proposes, with funds on hand, to purchase 72,000 shares of Michigan Consolidated's common stock, par value $14 a share, for a cash consideration of $1,008,000, which is equal to the aggregate par value thereof.

Michigan Consolidated has heretofore borrowed, pursuant to a Credit Agreement, $31,000,000 on its 3 percent notes maturing August 15, 1956 (File No. 70-3395) On October 7, 1955, Michigan Consolidated issued and sold 930,000 shares of its common stock to American Natural for a total cash consideration of $13,020,000, the aggregate par value of such shares (File No. 70-3412) It is anticipated that concurrently with the issuance and sale of the new bonds the borrowing under the Credit Agreement will be repaid and the Credit Agreement terminated.

Of the proceeds from the sale of the new bonds, it is estimated that approximately $5,000,000, representing the principal amount of new bonds not issued in the first instance against net property additions, will be deposited with the Trustee under Michigan Consolidated's Indenture of Mortgage and Deed of Trust and will be held as part of the trust estate pending withdrawal from time to time through the certification of net property additions.

The filing contains a copy of an order of the Public Service Commission of the State of Michigan dated November 4, 1955 expressly authorizing the issuance and sale of the proposed securities by Michigan Consolidated. Michigan Consolidated is organized under the laws of the State of Michigan and conducts its business in that State.

Michigan Consolidated proposes to pay the following fees and expenses in connection with the proposed security issuances:

	Applicable to new bonds	Applicable to new common stock
Federal original issue tax	$33,000	$1,[illegible]
Securities and Exchange Commission registration fee	3,150	
Michigan Public Service Commission fee	30,000	1,[illegible]
Counsel fees:		
Sidley, Austin, Burgess & Smith	17,000	
Dyer, Mack, Ruppenthal & Bullard	11,000	
Clare J. Hall	1,500	
Accounting fee of Arthur Anderson & Co.	4,683	
Trustee's fees and expenses	12,500	
Fees of oil and gas consultants	7,000	
American Natural Gas Service Co.—services at cost	750	
Printing (including preparation of bonds)	25,000	
Mortgage recording and title expenses	2,000	
Miscellaneous	8,100	83
Total	156,683	2,200

The fee of independent counsel acting for the purchasers of the new bonds, Brown, Wood, Fuller, Caldwell & Ivey, is $12,500. This fee is to be paid by the purchasers.

Notice of the filing of the application-declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the Act and the rules thereunder are satisfied; that the fees and expenses set forth above are not unreasonable; and that the application-declaration as amended should be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9193; Filed, Nov. 15, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6351]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING ISSUANCE OF UNSECURED PROMISSORY NOTES

NOVEMBER 3, 1955.

Take notice that on November 3, 1955, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Otter Tail Power Company (Applicant) a cor-

poration organized under the laws of the State of Minnesota and doing business in the States of North Dakota, South Dakota, and Minnesota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of unsecured promissory notes not to exceed $5,000,000, principal amount, at any one time outstanding. Said notes will be issued from time to time prior to December 31, 1957, will mature within one year or less from the issuance dates and will bear interest at a rate not to exceed 4% per annum. Said notes are proposed to be issued to evidence loans to be secured from First National Bank of Minneapolis, First National Bank of Fergus Falls, and Fergus Falls National Bank and Trust Company or other commercial banks. The proceeds to be obtained from the proposed issuance will be used, pending permanent financing, to provide a portion of the funds needed to carry on Applicant's projected construction program in 1956, 1957, and 1958; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 29th day of November, 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9191; Filed, Nov. 15, 1955; 8:46 a. m.]

[Docket No. G-2505, etc.]

NORTHERN NATURAL GAS CO. ET AL.

ORDER POSTPONING DATE OF HEARING

In the matters of Northern Natural Gas Company, Docket No. G-2505 Northern Natural Gas Producing Company, Docket No. G-9409; Permian Basin Pipeline Company, Docket No. G-9410.

By order issued September 29, 1955, the Commission consolidated these proceedings for the purpose of hearing, and directed that hearing in these matters be commenced on November 14, 1955.

On October 18, 1955, a joint motion was filed on behalf of the three respondent companies requesting that the date fixed for commencement of hearing in these matters be continued to January 16, 1956.

The Commission orders: The hearing in these matters, now fixed to commence on November 14, 1955, be and it is hereby postponed to January 16, 1956: *Provided, however* that the Respondents in these proceedings shall reduce to writing the direct testimony of witnesses proposed to be offered by them at such hearing in the manner contemplated by section 1.20 (h) of the Commission's rules of practice and procedure, and such proposed testimony, together with related exhibits proposed to be offered by these Respondents, shall be served by Respondents upon all parties to these proceedings, including Staff Counsel, at such time as will accomplish the delivery thereof to such parties by January 3, 1956.

Adopted: November 4, 1955.

Issued: November 8, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9192; Filed, Nov. 15, 1955; 8:46 a. m.]

[Docket Nos. G-4820—G-4824]

TEXAS CO.

ORDER DENYING MOTIONS TO DISMISS AND RECONVENING HEARING

Sun Oil Company, intervener in Docket Nos. G-4820 and 4821, by motion made orally before the Presiding Examiner in the above-entitled proceeding, and Hassie Hunt Trust, intervener in Docket No. G-4821, by motion filed with the Commission, have moved to dismiss certain parts of the applications in Docket Nos. G-4820 and G-4821 involving transactions in which they have an interest. The circumstances in each instance are similar. The intervener is the operator of certain properties in each situation and, either as processor or unit operator, has the contract right and duty to dispose of the natural gas owned by The Texas Company in the absence of an election by The Texas Company to sell or otherwise take its gas in kind. The Texas Company has not so elected with reference to the transactions involved, which are denominated Contract Numbers S-16, S-17, S-18, and S-19 in Docket No. G-4820, and L-4 and L-6 in Docket No. G-4821.

Sun Oil Company and Hassie Hunt Trust request that the said controverted portions of The Texas Company's applications in Docket Nos. G-4820 and G-4821 be dismissed on the ground of lack of Commission jurisdiction over the transactions involved. Commission Staff Counsel took the position on the record at the hearing that, while the Applications insofar as the transactions at issue are concerned should be dismissed, they should be dismissed upon the authority of the order in Humble Oil & Refining Company, Docket Nos. G-6753, et al., issued March 10, 1955. We agree with the position taken by the Staff. Therefore we will deny the motions of Sun Oil Company and Hassie Hunt Trust and reconvene the hearing, recessed subject to our order, to permit disposition of the proceedings.

The Commission orders:

(A) The motions by Sun Oil Company and Hassie Hunt Trust to dismiss, with respect to the transactions involved in The Texas Company's Contract Numbers S-16, S-17, S-18, and S-19 in Docket No. G-4820, and L-4 and L-6 in Docket No. G-4821, be and hereby are denied.

(B) The above-entitled proceeding shall reconvene on November 23, 1955, at 9:30 a. m., e. s. t.

Adopted: October 19, 1955.

Issued: November 8, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F R. Doc. 55-9201; Filed, Nov. 15, 1955; 8:48 a. m.]

[Docket No. G-9628]

BALTIC OPERATING CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR INVESTIGATION AND HEARING

On October 10, 1955, Baltic Operating Company (Baltic) tendered for filing First Revised Sheets Nos. 4, 6, 8 and 9 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective October 23, 1955, and proposing an annual rate increase to its wholesale customers of $2,400 or 6.5 percent, based on operations for the twelve-month period ending June 1955.

The purpose of Baltic's proposed increase in rates is to pass on to its customers a rate increase from its supplier, Cities Service Gas Company. The increase in rates applicable to Baltic, among others, was suspended until March 23, 1956, by order of the Commission issued on October 13, 1955, in Docket No. G-9468. Baltic's presently existing rates are in effect subject to refund if so ordered in Docket No. G-2424. The present rates reflect the increased rates of Cities Service Gas Company now under investigation in proceedings in Docket No. G-2410, which proceedings have not been concluded nor has a decision therein been made.

The State Corporation Commission of Kansas has advised that it opposes the increased rates proposed.

The increased rates and charges provided in the revised tariff sheets tendered for filing on October 10, 1955, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing pursuant to the authority contained in Sections 4 and 5 of such Act, concerning the lawfulness of Baltic's FPC Gas Tariff, First Revised Volume No. 1, and the changes proposed by the revised sheets tendered October 10, 1955; and that the aforesaid proposed revised sheets be suspended as hereinafter provided and the use be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4, 5 and 15 of the Natural Gas Act, a public hearing be held

upon a date to be fixed by further order of the Commission concerning the lawfulness of the proposed rates and charges contained in Baltic's FPC Gas Tariff, First Revised Volume No. 1, and the changes proposed by the revised sheets tendered October 10, 1955.

(B) Pending such hearing and decision thereon, Baltic's First Revised Sheets Nos. 4, 6, 8 and 9 to its FPC Gas Tariff, First Revised Volume No. 1, be and the same are each hereby suspended and the use thereof deferred until April 10, 1956, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 2, 1955.

Issued: November 9, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9202; Filed, Nov. 15, 1955; 8:48 a. m.]

[Docket No. G-8929]

SUN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that Sun Oil Company (Southwest Division) Applicant, a New Jersey corporation whose address is P O. Box 2880, Dallas, Texas, filed on May 20, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production in East Mathis Field, San Patricio County, Texas, to Gas Gathering Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Monday, December 19, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9203; Filed, Nov. 15, 1955; 8:49 a. m.]

[Docket No. G-8981]

ATLANTIC REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that The Atlantic Refining Company (Applicant) a Pennsylvania corporation whose address is P. O. Box 2819, Dallas 1, Texas filed on May 31, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of leases in Block 12 Field, Andrews County, Texas, to Phillips Petroleum Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, December 19, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9204; Filed, Nov. 15, 1955; 8:49 a. m.]

[Docket No. G-9069]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation whose address is Bartlesville, Oklahoma, filed on June 23, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce to be produced from the 291.3 acre Floy-Lease out of Shore #2, Santa Cruz Grant, Starr County, Texas, to Sun Oil Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, December 20, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and

concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9205; Filed, Nov. 15, 1955; 8:49 a. m.]

[Docket No. G-9239]

VICKERS PETROLEUM CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that The Vickers Petroleum Co., Inc. (Applicant) a Kansas corporation whose address is P O. Box 2240, Wichita, Kansas, filed on August 18, 1955 an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell in interstate commerce, its ¼ interest in the natural gas to be produced from a 640 acre lease in Greenwood Field, Morton County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, December 21, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9206; Filed, Nov. 15, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 86]

MOTOR CARRIER APPLICATIONS

NOVEMBER 10, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances requre immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2484 Sub 30, filed November 2, 1955, E. & L. TRANSPORT COMPANY, 14201 Schaden Ave., Dearborn, Mich. Applicant's attorney George S. Dixon, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *New automobiles* and *new automobile chassis*, in initial movements, in truckaway service, from points in that portion of Oakland County, Mich. south of Michigan Highway 59 and west of a line extending from Michigan Highway 59 southward along Union Lake Road to junction with Haggerty Highway and thence along Haggerty Highway to the southern boundary of Oakland County, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Michigan, Ohio, Indiana, Illinois, Wisconsin, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, and the District of Columbia: *new automobile bodies*, from the above-indicated origin territory to the above-indicated destination territory. Applicant is authorized to conduct operations in Michigan, Ohio, West Virginia, Pennsylvania, Virginia, New York, Kentucky, Illinois, Indiana, Wisconsin, Missouri, North Carolina, Tennessee, Iowa, and Maryland.

No. MC 23939 Sub 82, filed November 3, 1955, ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Vernon, Calif. Applicant's attorney Bart F Wade, 729 Citizens National Bank Bldg., 453 South Spring Street, Los Angeles 13, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in California, on the one hand, and, on the other, points in Oregon and Washington. Applicant is authorized to conduct operations in California, Colorado, Montana, Nevada, Utah and Wyoming.

No. MC 27817 Sub 33, filed November 2, 1955, HAROLD C. GABLER, R. D. #3, Chambersburg, Pa. Applicant's attorney Christian V Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Bulk cement*, in tank vehicles, from points in Lehigh, Northampton, Butler, Lawrence, Franklin, Allegheny, and York Counties, Pa., Carroll, Washington and Frederick Counties, Md., and Berkeley County, W Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, New York, New Jersey, and Delaware. Applicant does not presently hold any authority from this Commission to transport the commodity specified in this application.

No. MC 28733 Sub 2, filed October 24, 1955, LESTER AUTO FREIGHT, INC., Route 4, Box 31, Hood River, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hood River, Oreg., and Parkdale, Oreg., from Hood River over Oregon Highway 281 to Parkdale and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Oregon.

No. MC 40946 Sub 12, filed November 2, 1955, DELAWARE EXPRESS CO., 401 W Main St., Elkton, Md. For authority

to operate as a *contract carrier* over irregular routes, transporting: *Poultry and dairy feeds, roofing material, miscellaneous farm supplies,* and *fertilizer* from Baltimore, Md. to points in Maryland, Pennsylvania, and Delaware within 20 miles of Newark, Del.

NOTE: Applicant requests dismissal of the instant application if it is found that it already holds the above-applied for authority.

No. MC 47142 Sub 56, filed September 15, 1955, C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 Nineteenth Street, Huntington, W Va. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, Huntington, W Va. For authority to operate as a *common carrier* over irregular routes, transporting: *Class A, B, and C explosives, blasting supplies,* and *used empty containers* for explosives, blasting supplies, and powder, between points in Pennsylvania, Ohio, Virginia, West Virginia, Kentucky, North Carolina, Illinois, New Jersey, Maryland, and Indiana, on the one hand, and, on the other, Gambrills, Md., and points within five miles of Gambrills, with service at the described Maryland points restricted to interchange of traffic with other motor carriers only. Applicant is authorized to conduct operations in Illinois, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

No. MC 52473 Sub 6, filed November 3, 1955, CARL H. BEHNKE, doing business as LAFLER MOVING COMPANY, 77 South Monroe St., Battle Creek, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 6, Mich. For authority to operate as a *contract carrier* over irregular routes, transporting: *Waste paper* from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Constantine, Sturgis, Three Rivers, and Kalamazoo, Mich. Applicant is authorized to conduct operations in Illinois and Michigan.

No. MC 52473 Sub 7, filed November 3, 1955, CARL H. BEHNKE, doing business as LAFLER MOVING COMPANY, 77 South Monroe Street, Battle Creek, Mich. Applicant's attorney: L. F Richardson, Michigan National Tower, Lansing 8, Mich. For authority to operate as a *contract carrier* over irregular routes, transporting: *Paper and paper products,* between Battle Creek, Mich., and points in Wisconsin. Applicant is authorized to conduct operations in Michigan and Illinois.

No. MC 52713 Sub 7, filed November 2, 1955, MAXINE HUTCHENS AND B. F BABB, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Springfield, Mo., to Powell, Mo., from Springfield over U. S. Highway 60 to junction Missouri Highway 37, thence over Missouri Highway 37 to junction Missouri Highway 44, thence over Missouri Highway 44 to junction McDonald County Road "E" thence over McDonald County Road "E" to Powell, Mo., and return over the same route, serving the off-route point of Simcoe, Mo. Applicant is authorized to conduct operations in Missouri.

No. MC 65429 Sub 2, BENJAMIN S. RIZZO, doing business as BAUER MOTOR FREIGHT EXPRESS, R. D. No. 2, Bridgeton, N. J. Applicant's attorney: William Gallner, 55 E. Commerce Street, Bridgeton, N. J. For authority to operate as a *common carrier,* over irregular routes, transporting: *Coal tar resins* and *molding compounds,* and *commodities essential to and manufactured therefrom,* from Woodbury, N. J., to Stratford and Middletown, Conn., New Castle, Ind., Akron and Dayton, Ohio, Monroe, Mich., Winchester, Va., and Manheim, Pa., and *commodities* incidental to the transportation and manufacture of the commodities specified in this application on return.

No. MC 74721 Sub 55, filed October 31, 1955, MOTOR CARGO, INC., 700 Carroll Street, Akron, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave., NW., Washington 6, D. C. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 224 and Ohio Highway 4 at Attica, Ohio, and junction U. S. Highway 20 and Ohio Highway 4, at a point approximately three (3) miles east of Bellevue, Ohio, over Highway 4, serving no intermediate points, and serving the termini for joinder purposes only, as a connecting route for operating convenience only, in connection with regular route operations (1) between Youngstown, Ohio and Minneapolis, Minn., (2) between Akron, Ohio, and Anoka, Minn., (3) between Cleveland, Ohio and Indianapolis, Ind., and (4) between Medina, Ohio and Lorain, Ohio. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Maryland, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia.

No. MC 87928 Sub 34, filed November 2, 1955, AUTOMOBILE TRANSPORT, INC. OF DELAWARE, 36555 Michigan Avenue, Box 29, Wayne, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *New automobiles* and *new automobile chassis,* in initial movements, in truckaway service, (1) from points in Oakland County, Mich., south of Michigan Highway 59 and west of a line extending from Michigan Highway 59 southward along Union Lake Road to junction Haggerty Highway, and thence along Haggerty Highway to the southern boundary of Oakland County, to all points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, the District of Columbia, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Michigan, Ohio, Indiana, Illinois, Wisconsin, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, and Texas, and (2) *new automobile bodies,* from points in Oakland County, Mich., south of Michigan Highway 59 and west of a line extending from Michigan Highway 59 southward along Union Lake Road to junction Haggerty Highway, and thence along Haggerty Highway to the southern boundary of Oakland County, to all points in the above-specified destination territory. Applicant is authorized to conduct operations throughout the United States.

No. MC 101126 Sub 38, filed November 4, 1955, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Ave., Cincinnati, Ohio. For authority to operate as a *contract carrier* over irregular routes, transporting: *Denatured Rum,* in bulk, in stainless steel tank vehicles, from Covington, Ky., to Reidsville and Durham, N. C., Richmond, Va., and Louisville, Ky., and *empty containers* or other such incidental facilities used in transporting the commodities specified on return.

No. MC 101317 Sub 24, filed October 31, 1955, MILLS KING, doing business as KING TRANSPORT, P. O. Box 2186, 323 Dawson Street, San Antonio, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier* over irregular routes, transporting: *New automobiles, new trucks, new assembled automobile chassis,* and *partially assembled automobile chassis,* in secondary movements, by the driveaway and truckaway methods from Memphis, Tenn., and Houston, Tex., and points within five (5) miles of each to points in Kendall County, Tex. Applicant is authorized to conduct operations in Tennessee and Texas.

NOTE: Applicant states that the purpose of this application is simply to add points in Kendall County, Tex., to the list of counties authorized as a destination territory in MC 101317 Sub 8 and not to secure any separate or independent authority.

No. MC 103378 Sub 49, filed November 5, 1955, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid glue* and *synthetic resins,* in bulk, in tank trucks, from Jacksonville, Fla. to points in Georgia and South Carolina. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama and Virginia.

No. MC 103880 Sub 146, filed June 23, 1955, (Further Amended), published July 27, 1955 on page 5370 and September 8, 1955 on page 6595, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Pe-*

troleum products, petroleum lubricants, chemicals, and *industrial soaps* and *industrial cleaners,* in bulk, in tank vehicles, from Indianapolis, Ind., to points in Kentucky, Ohio, Illinois, Michigan, Georgia, and North Carolina, (2) *Petroleum oil bases,* in bulk, in tank vehicles, from Reading, Ohio to Indianapolis, Ind., (3) *Cutting oil* and *parting compounds,* (used in the manufacture of soap) in bulk, in tank vehicles, from Milwaukee, Wis., to points in Indiana; and (4) *Petroleum products, sea animal oil products, animal road-building and sprinkling compounds,* in bulk, in tank vehicles, from Reading, Ohio to points in Indiana, Michigan, Illinois, Kentucky, Pennsylvania, New York, and New Jersey. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 103993 Sub 54, filed July 1, 1955, (amended) published on page 5214, issue of July 20, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from the site of the Holiday Trailers Mfg., Inc., located approximately 8 miles south of El Reno, Okla., to all points in the United States, and *damaged shipments* of the commodity specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 108298 Sub 20, filed November 4, 1955, ELLIS TRUCKING CO., INC., 430 Kentucky Avenue, Indianapolis, Ind. Applicant's attorney: Harry E. Yockey, Morris Plan Bldg., Suite 806, 108 East Washington Street, Indianapolis 4, Ind. For authority to operate as a *common carrier* transporting: *General commodities,* except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Vincennes, Ind., and Versailles, Ind., over U. S. Highway 50, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with regular route operations between Memphis, Tenn., and Cincinnati, Ohio, through combination of routes between (a) Memphis, Tenn., and Indianapolis, Ind., and (b) Indianapolis, Ind., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee.

No. MC 108859 Sub 24 (amended) filed October 13, 1955, CLAIRMONT TRANSFER CO., a corporation, 1803–7th Ave., South, Escanaba, Mich. Applicant's attorney: Glenn W Stephens, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) over regular routes, (a) between Waldo, Wis., and Plymouth, Wis., over Wisconsin Highway 57, (b) between Green Bay, Wis., and DePere, Wis., over Wisconsin Highway 57, serving the off-route point of Little Rapids, Wis., (c) between Kiel, Wis., and Sheboygan Falls, Wis., over Wisconsin Highway 32, (d) between Howards Grove, Wis., and Sheboygan, Wis., over Wisconsin Highway 42 (formerly Wisconsin Highway 32) (e) between Potter, Wis., and the junction of Wisconsin Highways 57 and 114, over Wisconsin Highway 114, (f) between Sheboygan, Wis., and Kohler, Wis., over Wisconsin Highway 23, (g) between Milwaukee, Wis., and Racine, Wis., over Wisconsin Highway 32 (formerly Wisconsin Highway 42) (h) between junction Wisconsin Highways 57 and 144, and Random Lake, Wis., over Wisconsin Highway 144, (i) between junction Wisconsin Highways 57 and 84, and Fredonia, Wis., over Wisconsin Highway 84, (j) between Elkhart Lake, Wis., and Howards Grove, Wis., over Sheboygan County Highway A, serving the intermediate point of Franklin, Wis., and the off-route point of Johnsonville, Wis., (k) between junction Sheboygan County Highway A and Wisconsin Highway 57, and Adell, Wis., over Sheboygan County Highway A, (l) between Millersville, Wis., and junction Sheboygan County Highway JJ and Wisconsin Highway 32, over Sheboygan County Highway JJ, (m) between junction Sheboygan County Highway C and Wisconsin Highway 23, and junction Sheboygan County Highway C and Wisconsin Highway 57, over Sheboygan County Highway C, serving the intermediate or off-route (whichever is applicable) points of Crystal Lake, and Glenbeulah, Wis., (n) between junction Sheboygan County Highway P and Wisconsin Highway 23, and Elkhart Lake, Wis., over Sheboygan County Highway P serving the intermediate or off-route (whichever is applicable) points of Crystal Lake, and Glenbeulah, Wis. (o) between junction Sheboygan County Highway J and Wisconsin Highway 57, and junction Sheboygan County Highways J and C, over Sheboygan County Highway J, (p) between Askeaton, Wis., and junction Brown County Highway Z and Wisconsin Highway 57, over Brown County Highway Z, (q) between New Holstein, Wis., and junction C, Calumet County Highways H and G, over Calumet County Highway H, serving the intermediate or off-route (whichever is applicable) point of Charlesburg, Wis., (r) between junction Calumet County Highways G and H, and Chilton, Wis., over Calumet County Highway G, serving the intermediate or off-route (whichever is applicable) point of Charlesburg, Wis., (s) between Charlesburg, Wis., and junction Calumet County Highway G and an unnamed road, over said unnamed road, (t) between junction Wisconsin Highways 32 and 96, and junction Brown County Highway G and Wisconsin Highway 96, over Wisconsin Highway 96, serving the intermediate or off-route (whichever is applicable) point of Lark, Wis., (u) between Racine, Wis., and Sturtevant, Wis., over Wisconsin Highway 11, serving the intermediate or off-route (whichever is applicable) point of Waxdale, Wis., and with no service at Sturtevant, and (v) between Howards Grove, Wis., and Manitowoc, Wis., over Wisconsin Highway 42, serving the off-route point of Spring Valley in Manitowoc County, Wis., serving all intermediate points, excepting as otherwise specified above, on the above described routes, and off-route points as named above, and (2) over alternate routes, (a) between junction Wisconsin Highway 42 and U. S. Highway 151, and junction Wisconsin Highway 57 and U. S. Highway 151, over U. S. Highway 151, (b) between Askeaton, Wis., and junction U. S. Highway 10 and Calumet County Highway W over Brown and Calumet Counties Highway W, (c) between Racine, Wis., and Milwaukee, Wis., over Wisconsin Highway 38, (d) between junction U. S. Highway 41, and Wisconsin Highway 100, and Milwaukee, Wis., over U. S. Highway 41, (e) between junction Wisconsin Highways 38 and 100, and junction Wisconsin Highways 100 and 57, over Wisconsin Highway 100, (f) between Manitowoc, Wis., and Green Bay, Wis., over U. S. Highway 141, (g) between Kiel, Wis., and Reedsville, Wis., over Wisconsin Highway 32, (h) between Two Rivers, Wis., and junction Wisconsin Highway 147 and U. S. Highway 141 near Cooperstown, Wis., over Wisconsin Highway 147, (i) between junction U. S. Highways 141 and 10 near Manitowoc, Wis., and Reedsville, Wis., over U. S. Highway 10, (j) between Greenleaf, Wis., and junction Wisconsin Highways 32 and 96, over Wisconsin Highway 96, (k) between junction Wisconsin Highways 42 and 149, and junction Wisconsin Highways 57 and 149, over Wisconsin Highway 149, and (l) between junction Brown County Highway G and Wisconsin Highway 32, and junction Brown County Highway G and Wisconsin Highway 96, over Brown County Highway G; serving no intermediate points, for operating convenience only, in connection with operations over regular routes as described under (1) above. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: This application and the pending application in Docket No. MC-F-6108, published on page 8064 under Section 5 applications in issue of October 26, 1955, are directly related to each other.

No. MC 110212 Sub 8, filed October 18, 1955, MICHAEL KALNASH, 526 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, Suite 619 Commonwealth Building, Allentown, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Coal,* from points in Lackawanna, Luzerne, Schuylkill and Carbon Counties, Pa., to New Hartford, Conn., and points in New Haven County, Conn. Applicant is authorized to conduct operations in Pennsylvania, Connecticut and New York.

No. MC 110264 Sub 10, filed November 4, 1955, ALBUQUERQUE PHOENIX EXPRESS, INC., 504 Veranda Road, N. W., P O. Box 404, Albuquerque, N. Mex. For authority to operate as a *common carrier,* over regular and irregular routes, transporting: *Class A and B explosives,* (A) REGULAR ROUTES:

(1) Between Carrizozo, N. Mex., and Socorro, N. Mex., from Carrizozo over U. S. Highway 380 to San Antonio, N. Mex., thence over U. S. Highway 85 to Socorro, and return over the same route, and (2) between Carrizozo, N. Mex., and Roswell, N. Mex., from Carrizozo over U. S. Highway 380 to Roswell, and return over the same route. Serving all intermediate points, and the off-route points of Nogal, Fort Stanton, and mines not on Federal or State highways in Lincoln County, N. Mex., on the above-specified routes. (B) IRREGULAR ROUTES: Between mines not on Federal or State highways in Lincoln County, N. Mex., and Carrizozo and Capitan, N. Mex. Applicant is authorized to conduct regular route operations in Arizona and New Mexico.

No. MC 110451 Sub 4, filed October 27, 1955, MIDLAND TRANSFER, INC., 2440 North Arona, St. Paul 8, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *contract carrier* over irregular routes, transporting: *Explosives* and *blasting supplies*, from Crosby, Hibbing, and Virginia, Minn., to Ishpeming, Mich., and points within ten (10) miles of Ishpeming. Applicant is authorized to conduct operations in Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant has irregular route operations to transport the above-described commodities from Ishpeming, Mich., and points in Michigan within ten miles of Ishpeming, to points in Minnesota, North Dakota, and South Dakota, and those in that part of Wisconsin located north and west of and including those in Pepin, Eau Claire, Clark, Marathon, Langlade and Forest Counties, Wis.

No. MC 110698 Sub 62, (amended) published on page 8061 issue of October 26, 1955, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, Trustee, P O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid acids* and *chemicals, liquid glue, formaldehyde*, and *synthetic resins*, in bulk, in tank vehicles, and *glue catalyst*, in containers with shipments of liquid glue, from Jacksonville, Fla., to points in Georgia, North Carolina, South Carolina, Alabama and Tennessee and *empty containers* or other such incidental facilities used in transporting the commodities specified on return. Applicant is authorized to conduct irregular route operations in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Alabama, Florida, Louisiana and Mississippi.

No. MC 110940 Sub 10, filed November 2, 1955, ROBINS TRANSFER COMPANY, INC., P O. Box 36 Powderly Station, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, 531-34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fish oils*, and *fish pressed water* in bulk, in tank vehicles, from points in North Carolina, South Carolina, Georgia, and New Jersey, to Chattanooga, Tenn., and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from Chattanooga, Tenn., to points in the above-specified origin territory. Applicant does not presently hold any authority from this Commission to transport the commodities named in this application.

No. MC 111472 Sub 33, filed November 3, 1955, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from Rockford, Ill. to all points in the United States. Applicant is authorized to conduct operations in all states with the exception of Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, New Mexico, Massachusetts, Florida, North Carolina, South Carolina, and the District of Columbia.

No. MC 112520 Sub 6 (amended), filed September 19, 1955, published on page 7407, issue of October 5, 1955, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, Suite 716, Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *anhydrous ammonia*, in bulk, in tank vehicles, from points in Santa Rosa, Gadsden and Jackson Counties, Fla., to points in Alabama and Georgia.

No. MC 112617 Sub 16, filed October 31, 1955, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum products* in bulk, in tank vehicles, from points in Jefferson County, Ky., and Clark and Floyd Counties, Ind., to points in Tennessee. Applicant is authorized to conduct operations in Kentucky, West Virginia, Ohio, Pennsylvania, Indiana, Illinois, Tennessee, Michigan, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Missouri and Wisconsin.

No. MC 113968 Sub 1, filed November 1, 1955, and amended November 4, GRANDVIEW TRUCKING CORP., 911 Stone Ave., Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Furniture, radios, TV receiving sets, talking machines, combination radio-TV-talking machines, refrigerators, washing machines, stoves, ironers, dryers, disposal units and sinks*, from New York, N. Y., to points in New Jersey, points in Connecticut on and west of Connecticut Highway 32, and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, Rockland, Sullivan and Delaware Counties, N. Y.

No. MC 113993 Sub 5, filed July 29, 1955, JOSEPH SOLIS, JR., doing business as SOLIS TRUCKING, 6805 Vermejo Drive, N. W., Albuquerque, N. Mex. Applicant's attorney: Harold D. Waggoner, Simms Building, P O. Box 103S, Albuquerque, N. Mex. For authority to operate as a *common carrier* over irregular routes, transporting: *Lumber* between points in New Mexico, Arizona, Utah, Colorado, Kansas, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arizona, Colorado, and New Mexico.

No. MC 114163, filed April 27, 1953, amended September 3, 1953, and November 2, 1953, (reopened for further hearing) BOAT TRUCKING & WAREHOUSE CO., INC., 52 Rockywood Road, Manhasset, Long Island, N. Y. Applicant's attorney: J. Almyk Lieberman, 1776 Broadway, New York 19, N. Y. For authority to operate as *common carrier* over irregular routes, transporting: *Boats*, between (1) Old Town, Maine, on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio; (2) Sandusky, Ohio, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Delaware, and Maryland; (3) Freeport, N. Y., on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio; (4) points in New York and New Jersey, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio.

No. MC 115268 Sub 1, filed October 5, 1955, G. LEWIS CLEMMER AND C. P. COFFMAN, doing business as DAYTON TRANSPORT COMPANY, P. O. Box 35, Dayton, Va. Applicant's attorney: R. Roy Rush, 511 Boxley Building, Roanoke, Va. For authority to operate as a *common carrier* over irregular routes, transporting: *Iron articles* and *steel articles*, such as angles, bars, bases, beams, bridge, channels, forms—structurals, joists, piling, pipe—cast iron, plates—structurals, rivets, rods, sheets, slabs, wire rope, and pipe—plate and sheet, from Roanoke, Va., to points in West Virginia on and south of U. S. Highway 33, points in Tennessee on, east and north of U. S. Highway 25-W and those in North Carolina on and west of U. S. Highway 15.

No. MC 115285 Sub 2, filed November 4, 1955, SAMUEL L. GASCHO and JOHN D. GASCHO, doing business as S. L. GASCHO & SON, 142 New Street, Burlington, Ontario, Canada. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rock Salt*, in bags, and in bulk, in special equipment, from the International Boundary line between the United States and Canada at or near Detroit, Mich., to points in Michigan.

No. MC 115325 Sub 1, filed November 2, 1955, KELLY & WILMORE CO., INC., 1035 E. 18th Street, Owensboro, Ky. Applicant's attorney: Robert D. Symmes, 1218 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier* over irregular routes, transporting: *Telephone poles*, from Louisville, Ky., to points in Indiana south of U. S. Highway 40, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 115631, filed October 20, 1955, JOHN PIZANO, doing business as EXETER GARAGE, 1169 Wyoming Ave., Exeter, Pa. Applicant's attorney: Murray Mackson, Second National Bank Bldg., Wilkes-Barre, Pa. For authority to operate as a *common carrier* over irregular routes, tranpsorting: *Cinder blocks, concrete blocks, chimney blocks*, and *similar cinder and concrete products*, from Exeter, Pa., Wyoming, Pa., and Frackville, Pa. to Philadelphia and Hatboro, Pa., New Brunswick, N. J. and Belvidere, N. J., Ithaca, Syracuse, Monticello, Freeville, Smithtown, Solvay, and points on Long Island, N. Y., *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115650, filed October 28, 1955, BUCKLEY'S EGG EXPRESS, INC., South Avenue, Derry, N. H. Applicant's attorney: Philip G. Peters, 45 Market Street, Manchester, N. H. For authority to operate as a *common carrier* over irregular routes, transporting: *Paper products*, (mostly egg case fillers) *chick boxes*, and *egg cases* from Philadelphia, Pa., to Hartford, Conn., Worcester, Mass., Nashua and Derry, N. H., Portland and Waterville, Me., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115651, filed October 31, 1955, KANEY TRANSPORTATION, INC., 1023 E. Album St., Freeport, Ill. Applicant's representative: George S. Mullins, 4704 W Irving Park Road, Chicago 41, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid foundry core compound, paints, paint materials, varnish, lacquers, driers, stains, shellacs, fillers, thickeners, thinners*, and *reducing or removing compounds*, in bulk, in tank vehicles, from Rockford, Ill. to Quincy, Mass., St. Louis, Mo., Omaha, Nebr., Minneapolis, Minn. and St. Paul, Minn., points in Indiana on and north of U. S. Highway 40, those in Michigan on and south of a line beginning at Lake Michigan and extending along Michigan Highway 20 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U. S. Highway 131, thence along U. S. Highway 131 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction Michigan Highway 24, thence along Michigan Highway 24 to junction Michigan Highway 90, and thence along Michigan Highway 90 to Lake Huron; those in Wisconsin on and south of U. S. Highway 10; and those in Iowa on and east of U. S. Highway 69.

No. MC 115658, filed November 1, 1955, MARINE MOTOR TRANSPORT, INC., 814 S. W 27th Avenue, Miami, Fla. Applicant's attorney: Leo P Kitchen, Suite 713, Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Boats* (all sizes up to a capacity of vehicle and weight allowed by various states) *boat parts*, including *engines*, and *racks* and *frames* necessary for the transportation of boats, between points in Florida, Georgia, South Carolina, Delaware, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Oklahoma, Missouri, Arkansas, Mississippi, Alabama, Louisiana, Kentucky Tennessee, Texas, and the District of Columbia.

No. MC 115659, filed November 3, 1955, EDMUND A. OBERMEYER, doing business as OBERMEYER TRANSFER COMPANY, Corner Washington & Grant, Clinton, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in DeWitt County, Ill., and points in Arkansas, Kentucky, Indiana, Missouri, Iowa and Wisconsin.

No. MC 115660, filed November 3, 1955, RICHARD E. JAHNEL, R. F D. #5, Osage, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Commercial fertilizer* from Charles City and Mason City, Iowa to points in Minn., and *feed*, from points in Minn., to points in Worth, Cerro Gardo, Mitchell, Floyd, Howard and Chickasaw Counties, Iowa on return.

No. MC 115661, filed November 4, 1955, ORVAL MOORE, doing business as ORVAL MOORE TRUCKING CO., Box 305, French Lick, Ind. Applicant's attorney: Harry E. Yockey, 108 East Washington Street, Morris Plan Bldg., Suite 806, Indianapolis 4, Ind. For authority to operate as a *contract carrier* over irregular routes, transporting: (1) *Products manufactured from sandstone, including sandstone veneering;* from the site of the sandstone mill of French Lick Sandstone Company, Inc., located on Indiana Highway 450 approximately 8 miles north of Shoals, Ind., to points in Michigan, Ohio, Wisconsin, and Illinois; and (2) *empty containers or other such incidental facilities* used in transporting the commodities specified, and *damaged and returned products* manufactured from sandstone, from points in the above specified states to the site of above referred to sandstone mill of French Lick Sandstone Company, Inc.

No. MC 115663, filed November 4, 1955, LAURENCE HARBAUGH, Natoma, Kans. Applicant's attorney: J. Max Harding, 901 South Thirteenth Street, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Race horses* and *equipment* used by race horses, *stable supplies* and *equipment used in the care and exhibition of such horses, mascots*, and the *personal effects of their attendants, trainers, and exhibitors*, (1) between points in Nebraska, Kansas, Colorado, Missouri and South Dakota, and (2) between points in Nebraska, Kansas, Colorado, Missouri and South Dakota, on the one hand, and, on the other, points in Ohio, Illinois, West Virginia, and Arkansas.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 17, filed October 3, 1955 (Amended) published October 12, 1955 on Page 7631, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, in seasonal operations during the period extending from June 20 to September 15, both inclusive, of each year, (1) between Barryville, N. Y., and junction U. S. Highways 106 and 6, in Wayne County, Pa., from Barryville over New York Highway 97 to junction U. S. Highway 106 in Narrowsburg, N. Y., thence over U. S. Highway 106 to junction U. S. Highway 6, in Wayne County, (a point on applicant's authorized route) (2) between junction New York Highways 97 and 52, in the Town of Tusten, N. Y., and junction New York Highway 52 and unnumbered highway leading to Lake Huntington in the Town of Cochecton, N. Y., (a point on applicant's authorized route) over New York Highway 52; (3) between Barryville, N. Y., and Eldred, N. Y., over New York Highway 55.

NOTE: Applicant states it is authorized to serve both Barryville and Eldred, N. Y., by authority granted in Certificate No. MC 228; and (4) between Yulan, N. Y., and junction New York Highway 97 and unnumbered highway in the Town of Tusten, N. Y., over unnumbered highway via Neweiden, N. Y., (said unnumbered highway runs to Yulan via Neweiden), and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 228 Sub 19, filed November 4, 1955, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F X. O'Brien, 17 Academy St., Newark 2, N. J. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction New York Highway 17M (old New York Highway 17) and new New York Highway 17 in Goshen, N. Y., and junction new New York Highway 17 and New York Highway 32 in the Town of Woodbury N. Y., from junction New York Highway 17M and new New York Highway 17 over new New York Highway 17 to junction with New York Highway 32, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York and New Jersey.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC-F 6045, published in the August 17, 1955, issue of the FEDERAL REG-

ISTER on page 5992. Amendment filed November 7, 1955, to show joinder of MORRILL AKENS, doing business as AKENS MOVING AND STORAGE, et al., as applicants in control of vendee.

No. MC–F 6106, published in the October 26, 1955, issue of the FEDERAL REGISTER on page 8064. Amendment to Section 210a (b) application filed November 3, 1955, to show substitution of lease agreement in lieu of management and control agreement. Terms of new agreement include monthly rental in the amount of $846.60 and other consideration.

No. MC–F 6128. Authority sought for control by PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich., and REID TRANSPORTS, LTD., 597 Christiana St., Sarnia, Ontario, Canada, of the operating rights and property of TANK TRUCK TRANSPORT, LIMITED, P. O. Box 116, Point Edward, Ontario, Canada, and for acquisition by D. E. DAGGITT of Benton Harbor, and J. S. REID of Sarnia of control of the rights and property through the transaction. Applicant's attorney: Jack Goodman, 39 S. LaSalle St., Chicago 3, Ill. Operating rights sought to be controlled: *Dimethylterephthalate,* dry, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Burlington, N. J., to the international boundary between the United States and Canada, through the port of entry situated at or near Cape Vincent, N. Y. PRODUCERS TRANSPORT, INC., is authorized to operate in Indiana, Michigan, Ohio, Illinois; Wisconsin, Kentucky, Missouri, West Virginia, Pennsylvania, Iowa, New York, and Virginia. REID TRANSPORTS, LTD., is authorized to operate in Michigan. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6129. Authority sought for purchase by LEON F ZULLO, doing business as PROSPECT TRUCKING COMPANY, 2129 Nottingham Way, Trenton, N. J., of the operating rights of MARINE FORWARDING, INC., 2129 Nottingham Way, Trenton, N. J. Applicants' attorney: Jacob Polin, 247 Ellis Road, Havertown, Pa. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes, between Trenton, N. J., and New York, N. Y., between Trenton, N. J., and Burlington, N. J., between Philadelphia, Pa., and Burlington and Moorestown, N. J., between Trenton, N. J., and Hopewell, N. J., and between Trenton, N. J., and Lambertville, N. J., serving certain intermediate and off-route points; alternate route between Philadelphia, Pa., and Trenton, N. J., *coal, processed feed, granite, logs, sawmill machinery, sawmill products, iron* and *steel, structural steel, building materials, exhibits, displays and advertising matter machinery, fibreboard, electrical appliances, waste paper oil, wax, sawdust, burlap bags, sawmill equipment, lumber plumbing and heating supplies, chemicals, theatrical scenery and properties, agricultural commodities, fertilizer and fertilizer materials,* and *prefabricated buildings,* knocked down, or in sections, over irregular routes, from, to and between points in Pennsylvania, New Jersey, New York, and Maryland; *electrical refrigerators, oil burners, washing machines, air conditioning equipment, radios, electrical equipment* and *materials and supplies* used or useful in connection with the above commodities, from certain points in Pennsylvania to certain points in New Jersey, Maryland, and Delaware; *household goods,* as defined by the Commission, between Trenton, N. J., on the one hand, and, on the other, New York, N. Y., and Philadelphia, Pa. Vendee is authorized to operate in New Jersey, Connecticut; Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Illinois, Indiana, Ohio, Virginia, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6130. Authority sought for purchase by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Blvd., Rapid City, S. Dak., of a portion of the operating rights and certain property of MINER CARTER, doing business as CARTER TRANSPORT, Bowman, N. Dak., and for acquisition by EARL F BUCKINGHAM AND HAROLD D. BUCKINGHAM, both of Rapid City, of control of the operating rights and property through the purchase. Applicants' attorney: Marion F Jones, 526 Denham Bldg., Denver 2, Colo. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods, as a *common carrier* over a regular route, between Bowman, N. Dak., and Belle Fourche, S. Dak., serving all intermediate points. Vendee is authorized to operate in Minnesota, South Dakota, Nebraska, Iowa, North Dakota, Montana, Wyoming, Colorado, California, Washington, Arizona, Idaho, Oregon, and Wisconsin. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6131. Authority sought for purchase by C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1009 Michigan Ave., St. Louis, Mich., of a portion of the operating rights of CONTRACT CARRIERS, INC., 2425 Walton St., Anderson, Ind. Applicants' attorney: Robert A. Sullivan, 2006 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *Mineral wool* (glass wool), plain or saturated, in batts or other than batts, with or without paper backing or wrapping, as a *contract carrier* over irregular routes, from Shelbyville, Ind., to Louisville, Ky., St. Louis, Mo., and points in Illinois, Ohio, and those in the lower peninsula of Michigan. Vendee is authorized to operate in Ohio, Illinois, Indiana, Michigan, Kentucky, Missouri, and Iowa. Application has not been filed for temporary authority under Section 210a (b)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9200; Filed, Nov. 15, 1955; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 10, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31291. *Cotton Linters—Birmingham, Ala., to St. Louis, Mo., and East St. Louis, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton linters, in carloads from Birmingham, Ala., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief. Circuitous routes operating in part west of Mississippi River.

FSA No. 31292: *Crushed Stone—Ripplemead, Va., to Montgomery, W Va.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on crushed stone, in carloads from Ripplemead, Va., to Montgomery, W Va.

Grounds for relief: Rates constructed on the basis of a short-line distance formula and circuity.

Tariff: Supplement 160 to Agent R. B. LeGrande's I. C. C. No. 253.

FSA No. 31293: *Pumice from Bernalillo, Domingo and Santa Fe, N. Mex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pumice stone, crude or ground, in carloads from Bernalillo, Domingo and Santa Fe, N. Mex.

Grounds for relief: Rates constructed on the basis of a short-line distance formula and circuity.

Tariff: Supplement 168 to Agent Kratzmeir's I. C. C. 3987.

FSA No. 31294: *Commodity Rates—Official Territory to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, in carloads from points in official territory to points in the Southwest.

Grounds for relief: Carrier competition and circuity.

FSA No. 31295: *Chlorine Gas to Louisville, Ky., and Cincinnati, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquid chlorine gas, in tank-car loads from points in Maryland, Michigan, New York, Ohio, Virginia, and West Virginia to Louisville, Ky., and Cincinnati, Ohio.

Grounds for relief: Market competition, competition with rail carriers and circuity.

Tariff: Supplement 3 to A. C. & Y. tariff I. C. C. No. 466 and others named in appendix A to the application.

FSA No. 31296: *Paper Boxes—Three Rivers, Mich., to Memphis, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on paper boxes, in carloads from Three Rivers, Mich., to Memphis, Tenn.

Grounds for relief: Carrier competition and circuity.

FSA No. 31297: *Merchandise, Less-Than-Carloads Between Points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on merchan-

dise, in less-than-carloads between points in Texas, T–N. M. Ry. points in New Mexico and points in Shreveport, La., group.

Grounds for relief: Motor truck competition and circuity.

Tariffs: Supplement 5 to Agent Brown's tariff I. C. C. 835; Supplement 4 to Agent Hughett's tariff MF-I. C. C. 245.

FSA No. 31298: *Steel or Wrought Iron Pipe from Galveston, Houston, and Orange, Texas.* Filed by F C. Kratzmeir, Agent, for interested rail carriers. Rates on steel or wrought iron pipe, in carloads from Galveston, Houston and Orange, Texas to points in Michigan and Wisconsin.

Grounds for relief: Rates constructed on the basis of a short-line distance formula, grouping, and circuity.

Tariff: Supplement 108 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31299: *Blackstrap Molasses from Louisiana to Texas and New Mexico.* Filed by F C. Kratzmeir, Agent, for interested rail carriers. Rates on blackstrap molasses and hydrol, in carloads from points in Louisiana to points in Texas and T–N. M. Ry. points in New Mexico.

Grounds for relief: Rates constructed on basis of a short-line distance formula, grouping and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9199; Filed, Nov. 15, 1955; 8:48 a. m.]